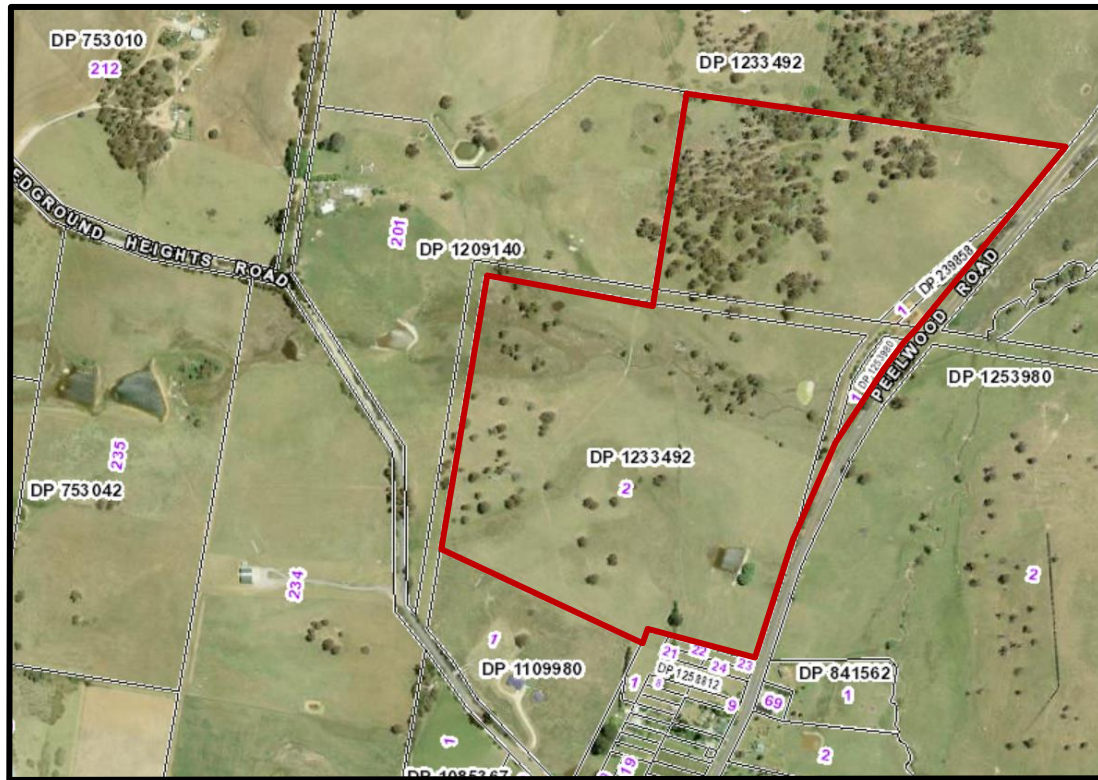


# *Laterals*

Planning  
Engineering & Management  
Environmental



## PLANNING PROPOSAL

Sutton Park Pty Ltd

LAGGAN LANE ESTATE

30 - 36 Peelwood Road, Laggan  
Lot 2 DP 1233492, Lot 1 DP 239858 and Lot 1 DP1253980  
And Roads Proposed to be Closed

January 2024

Laterals Reference No.: 1820

Prepared by:

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## EXECUTIVE SUMMARY

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This Planning Proposal is submitted to the Upper Lachlan Shire Council to change the zone and change the minimum lot size for certain land being:

- Lot 2 DP 1233492 (part) from RU2 Rural Landscape zone to RU5 Village zone and reduce the minimum lot size from 80ha to 4,000m<sup>2</sup> to enable the development of dwelling houses on the lots under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).
- Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and Roads proposed to be Closed from RU2 Rural Landscape zone to C3 Environmental Management zone and reduce the minimum lot size from 80ha to 10ha to enable permissible uses to be undertaken on the lots under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

Copies of the Deposited Plans are at Annexure A.

This Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment “A Guide to Preparing Planning Proposals” and addresses the following specific matters in the Guideline and *Environmental Planning and Assessment Act 1979*;

- Part 1 - objectives or intended outcomes;
- Part 2 - explanation of provisions;
- Part 3 - justification;
  - questions to consider when demonstrating the justification;
- Part 4 - Mapping;
- Part 5 - Community consultation;
- Part 6 - Project timeline.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the matters required pursuant to s3.33(2) of the *Environmental Planning and Assessment Act 1979* as well as relevant strategic documents, objectives and actions within the relevant regional and sub-regional strategies, relevant State policies, Ministerial Directions and environmental impacts.

This Planning Proposal was endorsed by the Upper Lachlan Shire Council on the 15 June 2023 and forwarded to the Minister for Planning. A Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* was issued by the Department of Planning and Environment on the 28 July 2023.

## PART 1 – OBJECTIVES

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The objective of this Planning Proposal is to change the zone and change the minimum lot size for certain land being:

- Lot 2 DP 1233492 (part) from RU2 Rural Landscape zone to RU5 Village zone and reduce the minimum lot size from 80ha to 4,000m<sup>2</sup> to enable the development of dwelling houses on the lots under the Upper Lachlan Local Environmental Plan 2010 (LEP 2010).
- Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and Roads proposed to be Closed from RU2 Rural Landscape zone to C3 Environmental Management zone and reduce the minimum lot size from 80ha to 10ha) to enable permissible uses to be undertaken on the lots under the Upper Lachlan Local Environmental Plan 2010 (LEP 2010).

## PART 2 – EXPLANATION OF THE PROVISIONS

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The proposed outcome will be achieved by an amendment to the *Upper Lachlan Local Environmental Plan 2010* as follows:

- (1) Amending Upper Lachlan Land Zoning Maps - Sheets LZN\_005 and LZN\_005E by changing the zoning of:
  - Lot 2 DP 1233492 (part) from RU2 Rural Landscape to RU5 Village.
  - Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and Roads proposed to be Closed from RU2 Rural Landscape to C3 Environmental Management.  
**See Figure 3 on page 56.**
- (2) Amending Upper Lachlan LEP 2010 Lot Size Maps – Sheets LSZ\_005 and LSZ\_005E by including:
  - Lot 2 DP 1233492 (part) identified as “W” having a Minimum Lot Size of 4000m<sup>2</sup>.
  - Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and Roads proposed to be Closed identified as “AB1” having a Minimum Lot Size of 10000m<sup>2</sup>.  
**See Figure 4 on page 57.**

## PART 3 – JUSTIFICATION

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### Section A – Need for Planning Proposal

#### 1. *Is the planning proposal a result of any strategic study or report?*

This planning proposal has been prepared by the property owner in response to the Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020. The planning proposal is consistent with the Statement which identifies the following key actions:

Key Actions: Non-Urban Land:

- Improve biodiversity connectivity and protection.
- Protect and enhance the Indigenous, European, rural and natural landscapes.
- Provide opportunities for housing diversity, off-farm income and green spaces.
- Recognise environmental landscape values as productive elements or recreation elements.
- Identify and protect high-value agricultural land

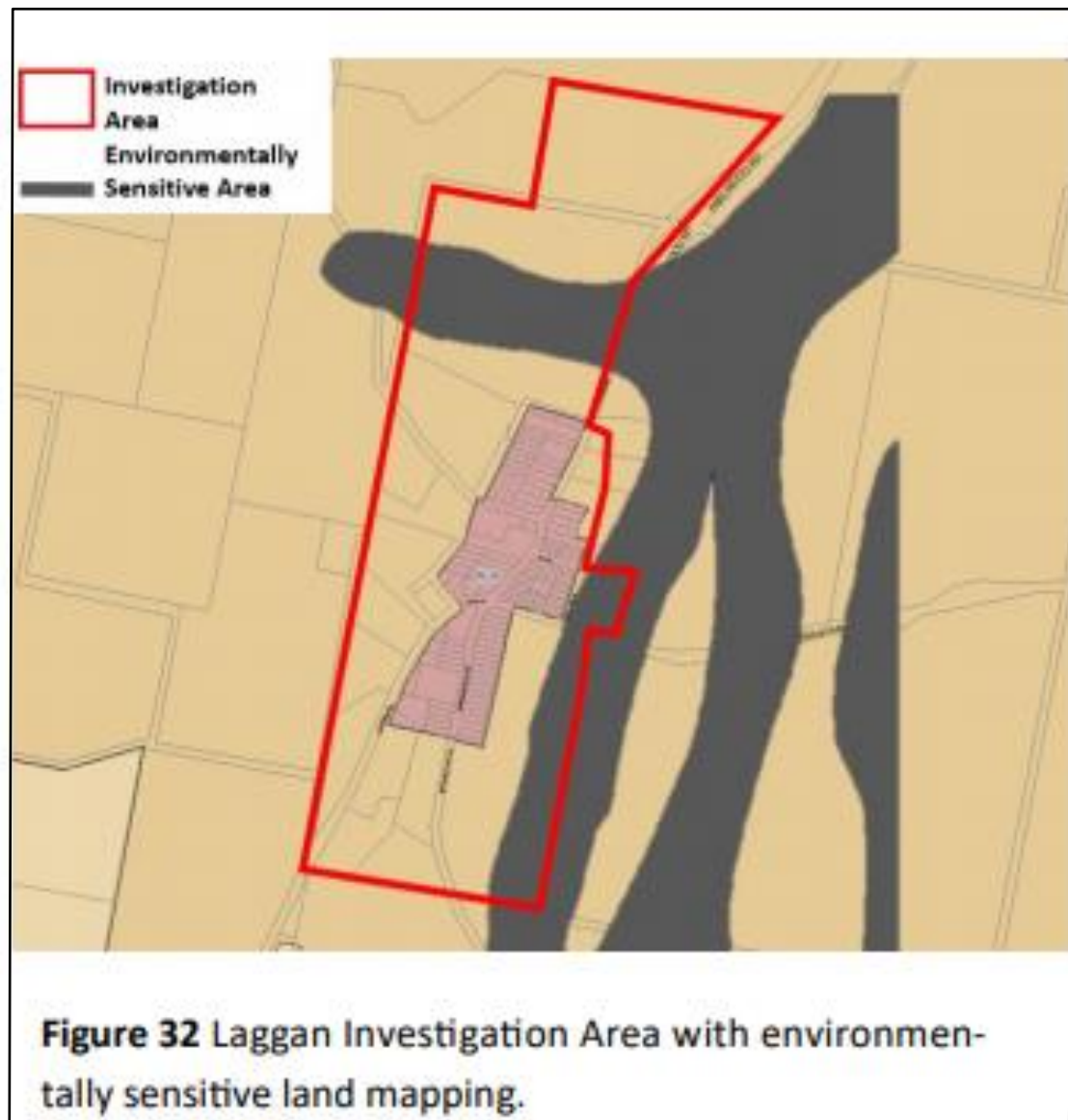
Key Actions: Urban Land:

- Develop village residential opportunities, and design public places of creativity and innovation.
- Design towns for walking and cycling, promote density and facilitate a mix of

collaborative uses.

- Manage and enhance the distinctive character of each village through a master plan.
- Promote arts, culture and nature as part of the urban design framework.
- Lobby and promote the development of rural livability facilities in villages and towns.
- Facilitate villages that are empathetic to the existing agri-scape.
- Provide new space to grow around existing villages and towns and provide for infill opportunities

Laggan is also identified as a growth area within the Strategic Planning Statement – see Figure 32 below:



**Laggan Investigation Area**

(Plan Source: Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020)



The Planning Proposal will:

- Provide new opportunities to locate diverse business options.
- Enable businesses to be established.
- Improve biodiversity connectivity and protection.
- Not impact the Indigenous, European, rural and natural landscapes.
- Provide opportunities for housing diversity and green space.
- Enable business opportunities that can add value.
- Not impact high-value agricultural land
- Provide village residential opportunities.
- Zone land for urban diversity.
- Provide new space to grow adjacent to an existing village.

The Planning Proposal will also not further fragment this rural area and it will provide opportunities for diversification and custodianship of the environmental and scenic values.

**2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

It is considered that this planning proposal is the most appropriate means of achieving the proposed minimum lot size and rezoning for the subject land and is seeking this amendment in accordance with Section 3.21(1) of the *Environmental Planning and Assessment Act 1979* which states:

**3.21 Review of environmental planning instruments (cf previous s 73)**

- (1) *The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible.*

**Section B - Relationship to strategy planning framework**

**3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?***

The regional or sub-regional strategies applying to the land are the Draft *South East and Tablelands Regional Plan 2041* and *The Tablelands Regional Community Strategic Plan 2016-2036*.

**Draft South East and Tablelands Regional Plan 2041**

The Strategy has a vision relevant to the Planning Proposal stating:

*The South East and Tablelands Region is valued as a place where people can live, work, and play throughout their lives. By 2041, it is home to just over 350,000 residents (almost 940,000 residents including the ACT). People are attracted to the region's cities, historic towns and villages. The region's landscape - ranging from Australia's highest peaks, to rural and bush covered plains, hinterland areas and dramatic coastlines – offer residents and visitors a diversity of lifestyle opportunities. Productive agricultural land and natural resources are the foundations of the region's economy, which continues to diversify through growth in the tertiary education, health, waste, energy, tourism and transport sectors. AND*

*New housing and jobs are located to make the best use of infrastructure and services, while considering natural hazards, catering for long term residents and those who*

*relocate from major population centres. AND*

*As communities grow, this is balanced against measures to enhance the value and protection of a natural environment that enriches lifestyles, sustains the region's water supply and protects biodiversity and productive agricultural land. Strategic planning ensures the enhancement and quality of waterways, flora and fauna, tree canopy and water infiltration.*

The Planning Proposal is viewed as consistent with these visions having regard to the following Objectives:

**Objective 3: Support diverse, vibrant and socially active communities**

*The objective states "A sense of belonging and shared values can lift and unite people in challenging times, as we have seen during the COVID-19 pandemic and natural disasters. Meeting and gathering places, pedestrian prioritised streets, events, festivals and cultural infrastructure all enable a sense of belonging as driven by placemaking." And "Understanding how communities utilise and interact with social infrastructure is essential to manage growth and change. Several forms of infrastructure and services that are widely recognised to support communities:*

- playgrounds, libraries, heritage, information and education facilities*
- busy shopfronts, street verges and community gardens*
- farmers markets and local produce centres*
- creative arts centres, theatres, live music and coworking spaces*
- childcare, healthcare and educational facilities*
- bushcare groups, outdoor gyms, sportsgrounds, aquatic centres, or community spaces.*

*These generate more social opportunities when they can be adapted for different uses, accessed by all community members."*

**Comment:** The expansion of the residential area of Laggan will result in an increase in population which will improve the viability and utilisation of a number of infrastructure items in Laggan and the surrounding urban centres of Crookwell and Taralga generally comprising:

- *playgrounds, libraries, heritage and education facilities*
- *local businesses*
- *farmers markets and local produce centres*
- *creative arts centres and theatres*
- *childcare and healthcare facilities*
- *bushcare groups, sportsgrounds and aquatic centres.*

The resultant increase in population at Laggan will revitalise and enhance commercial and retail activity in the existing commercial centre of Laggan and provide positive social and economic benefits to the locality.

**Objective 4: Preserve the heritage and character of the region's towns and villages**

*The objective states "The region's scenic and cultural landscapes provide unique settings for its urban areas and a strong link to its natural and historic landscapes. Providing opportunities to conserve, interpret and acknowledge the region's heritage values, will build an understanding of history and respect for the experiences of diverse communities. Heritage identification, conservation, management and interpretation can allow heritage places and stories to be experienced by current and future generations. Recognising non-Aboriginal heritage must be balanced with the Aboriginal cultural significance of areas – particularly*



*where the celebration of non-Aboriginal heritage has adversely impacted connections to Country, celebration of culture, or represents trauma.”*

**Comment:** An Aboriginal Due Diligence Assessment dated October 2019 (copy at Annexure J) has been undertaken by Apex Archaeology and the assessment recommends:

- *No further Aboriginal archaeological assessment is required prior to the commencement of upgrade works as described in this report.*
- *The results of this assessment fulfil the requirement for Due Diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Code of Practice). Works may proceed with caution.*
- *The proposed works must be contained to the area assessed during this due diligence assessment, as shown on Figure 1. If the proposed location is amended, further archaeological assessment may be necessary to determine if the proposed works will impact any Aboriginal objects or archaeological deposits.*
- *Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to the OEH under Division 1, Section 89A of the NPW Act.*

Additionally, an Aboriginal Cultural Heritage Assessment Report and an Archaeological Technical Report dated February 2023 (copy at Annexure J) has also been undertaken by Apex Archaeology and the reports recommend:

**RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED**

*This report details the archaeological potential of the site, which has been assessed as negligible. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.*

**RECOMMENDATION 2: DEVELOPMENT BOUNDARIES**

*The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.*

**RECOMMENDATION 3: STOP WORK PROVISION**

*Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.*

*In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further*

*assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.*

**RECOMMENDATION 4: REPORTING**

*One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.*

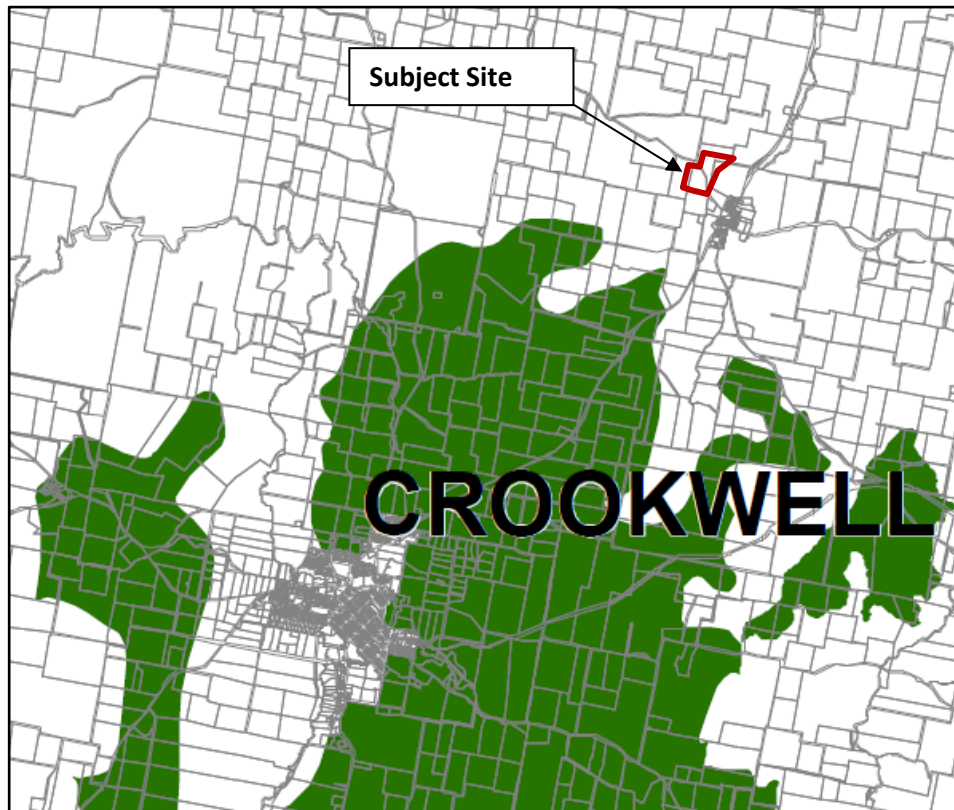
*One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project*

The development will therefore have no impact on Aboriginal heritage in the locality. Also, the expansion of the residential area of Laggan will result in an increase in population which will enhance the character of Laggan and will improve the viability of properties and particularly the existing Laggan Hotel being a locally listed heritage item (No. 1118– see Heritage map at Annexure B). The hotel is a small family business providing a crucial social gathering point for the community of Laggan. Its viability is marginal and additional residents in the village will assist with the future prosperity of this important local business. Also, the Laggan Memorial Hall (Item 117) which is not located next to the Planning Proposal area but is in the general vicinity. The proposed development will have no negative impact on this Heritage item and the additional population will increase its utilisation and long term viability.

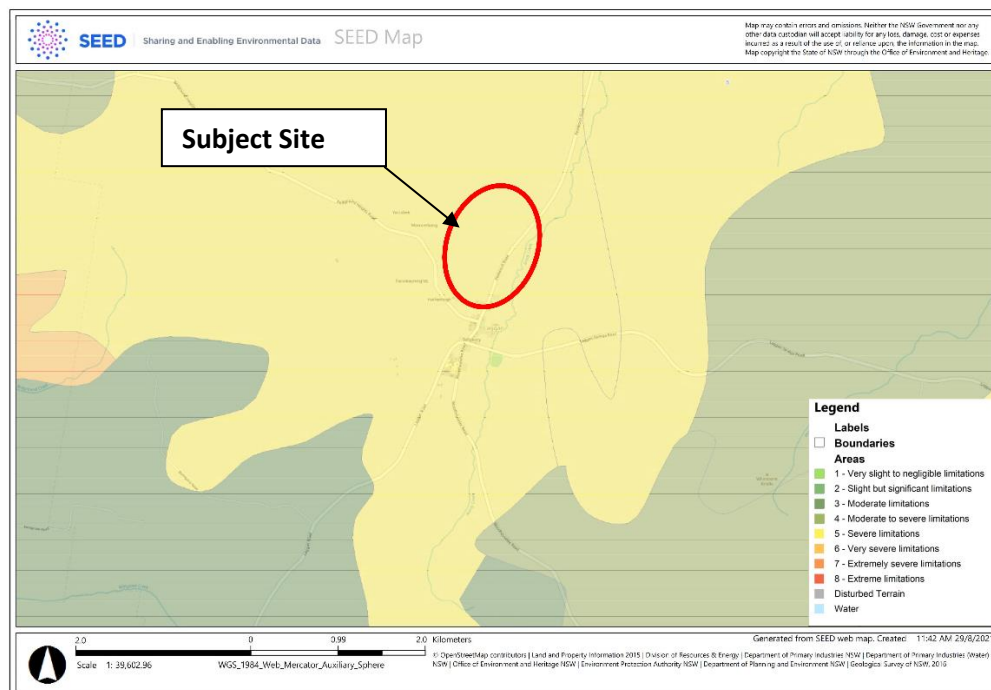
**Objective 5: Protect important environmental assets**

*The objective states “The South East and Tablelands Region includes a variety of landscapes from the Snowy Mountains, the only wilderness coastline in NSW, rural landscapes and national parks. Home to 150 threatened plant species, 144 threatened animal species, 40 endangered ecological communities, and 14 critically endangered ecological communities, the region’s planning needs to closely manage and protect the variety and layers of an interconnected ecological system.” And “Due to historical land clearing and ongoing land management activities post-colonisation, there is a relatively low proportion of native vegetation in parts of the Hilltops and Upper Lachlan LGAs, as well as in the Capital subregion.” And “High environmental value (HEV) lands and the region’s network of biodiversity corridors provide diversity and habitat for flora and fauna, including significant koala populations in the Wingecarribee and Snowy Monaro LGAs. To support mapping of HEV lands, additional mapping on High Ecological Aquatic Ecosystems can be found on the SEED portal. Avoiding the impacts on important terrestrial and aquatic habitats and on water quality is a necessary part of planning for the intensification of land uses through urban development and other activities.”*

**Comment:** The Ecological Values and Constraints Assessment report for the subject land undertaken by Capital Ecology and dated September 2019 (see Annexure H) notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. Additionally, the following maps indicate that the development site is not identified as strategic agricultural land and is subject to severe limitations. As a consequence, the Planning Proposal will not impact the environmental values that apply to the land.



**Biophysical Strategic Agricultural Land Map**  
 (Map Source: NSW Dept of Planning, Industry and Environment website)



**SEED Land Capability Mapping**  
 (Map Source: The Central Resource for Sharing and Enabling Environmental Data in NSW)

### Objective 6: Enhance biodiversity, habitats and the connections between them

The objective states “Regional biodiversity corridors are native vegetation links within a region, between regions or between significant biodiversity features. They expand and link different habitats and are critical to long-term ecological connections, particularly in the context of long-term climate change.” And “Koala populations have been impacted by drought and the 2019-20 bushfires, which are estimated to have burned 571,568 ha (Figure 10), equating to approximately 26% of the modelled high or very high suitability koala habitat in the region 16. Despite this, breeding populations remain, even in significantly affected areas. Areas known to be important to the species need to be carefully managed so that local populations can recover.”

**Comment:** The Ecological Values and Constraints Assessment report for the subject land undertaken by Capital Ecology and dated September 2019 notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. The Planning Proposal will not impact the conservation values that apply to the land. The large minimum lot size applying to the land together with the VPA will enable a “green and blue” development to be implemented. The land is currently used for sheep / cattle grazing as well as cropping of fodder crops and does not contain any significant tree vegetation and certainly no understory vegetation. The biodiversity is therefore substantially a monoculture. The Planning Proposal will result in the planting of locally sourced native vegetation within road reserves and on the private property and will be implemented in accordance with a site specific development control plan. The site as a whole will therefore contribute to enhancing habitats and biodiversity connections. The ecological assessment undertaken by Capital Ecology identified the following fauna on the site:

### Appendix B. Fauna Species Recorded

Class	Common name	Scientific name	BC Act status
Amphibia	Common Eastern Froglet	<i>Crinia signifera</i>	Protected
Amphibia	Whistling Tree Frog	<i>Litoria verreauxii</i>	Protected
Aves	Pacific Black Duck	<i>Anas superciliosa</i>	Protected
Aves	Grey Butcherbird	<i>Cracticus torquatus</i>	Protected
Aves	Australian Magpie	<i>Gymnorhina tibicen</i>	Protected
Aves	Noisy Miner	<i>Manorina melanocephala</i>	Protected
Aves	Crimson Rosella	<i>Platycercus elegans</i>	Protected
Aves	Eastern Rosella	<i>Platycercus eximius</i>	Protected
Mammalia	European Rabbit	<i>Oryctolagus cuniculus</i>	-

(Source: Capital Ecology Ecological Values and Constraints Assessment - September 2019)

In respect to Koalas, the Capital Ecology assessment report contains the following comments which states a low likelihood of occurrence and that “Old records exist of the species in the locality to the southwest. It is possible that the species may pass through the study area during movements through the broader locality, however the study area does not contain habitat of potential significance to the species.”

Species Name	EPBC Act Status	BC Act Status	Description (Distribution and Habitat)	Likelihood of Occurrence
<i>Phascolarctos cinereus</i> Koala (combined populations of Qld, NSW and the ACT)	V	V1	In NSW, the Koala mainly occurs on the central and north coasts with some populations in the western region. Koalas feed almost exclusively on eucalypt foliage, and their preferences vary regionally. They are solitary with varying home ranges. In high quality habitat home ranges may be 1-2 hectare and overlap, while in semi-arid country they are usually discrete and around 100 ha.	Low Old records exist of the species in the locality to the southwest. It is possible that the species may pass through the study area during movements through the broader locality, however the study area does not contain habitat of potential significance to the species.

(Source: Capital Ecology Ecological Values and Constraints Assessment - September 2019)  
Appendix C

#### **Objective 7: Build resilient places and communities**

The objective states *"To build resilient places and communities, risk exposure (shocks and stresses) needs to be understood. Natural hazards, infrastructure and technological failures need to be assessed from a people-centred, cultural, economic, built form and environmental perspective. With a changing climate, communities need the skills and knowledge to effectively respond to change, ensuring they are better placed to prepare for, prevent, respond to and recover from the risks they may experience."*

**Comment:** All residential development in the area will be located above the PMF flood level and will not be exposed to natural hazards. Building resilient places and communities involves a holistic and collaborative approach that addresses various aspects of social, economic, and environmental well-being which will be incorporated into the development and will include:

- Fostering a sense of ownership and pride within the community.
- Develop and maintain robust infrastructure that can withstand natural disasters, climate change, and other challenges.
- Incorporate sustainable design principles into the development to enhance environmental resilience.
- Use eco-friendly building materials and design practices to reduce the environmental impact of the development.

The proposed development will be environmentally sustainable, socially inclusive, easy to access, healthy and safe and will integrate walking and cycling networks into the design of the development to encourage physical activity and promote energy efficiency.

#### **Objective 8 - Plan for a net zero region by 2050:**

The Objective states *'The NSW Government is committed to achieving a 50% emissions reduction by 2030 and net zero emissions by 2050. Net Zero Plan Stage 1: 2020-2030 sets out how it will meet the first stage of this objective over the next decade.'*

**Comment:** Achieving net-zero emissions in residential development involves implementing sustainable and energy-efficient practices throughout the entire life cycle of the development and the following concepts will be incorporated as appropriate and required:

- Incorporate passive design strategies to optimize natural light, ventilation, and temperature control, reducing the need for artificial heating and cooling.
- Use high-performance insulation and energy-efficient windows to minimize heat loss and gain.
- Install on-site renewable energy sources such as solar panels to generate clean energy.
- Specify and install energy-efficient appliances, lighting, and HVAC (Heating, Ventilation, and Air Conditioning) systems.
- Implement smart home technologies to optimize energy use and reduce waste.
- Choose sustainable and environmentally friendly building materials with low embodied carbon and long life cycles.
- Prioritize materials with high recycled content and those that are easily recyclable at the end of their life.
- Implement water-efficient fixtures and appliances to minimize water consumption.
- Incorporate rainwater harvesting and graywater recycling systems for non-potable water use.
- Encourage and facilitate waste reduction and recycling practices within the residential community.
- Implement composting programs to divert organic waste from landfill.
- Design landscapes with native, drought-tolerant plants to reduce the need for irrigation.

**Objective 9 - Secure water resources:**

The Objective states *‘The State Infrastructure Strategy 2022-2042 identifies the need to improve water security and quality in regional NSW. The future growth and development of the region, coupled with the uncertainties of climate variability and climate change, mean that long-term planning for water supply must be integrated into strategic planning for the region and for adjoining areas including Sydney, which sources a portion its potable water from the northern areas of the region.’*

**Comment:** The proposed development will be designed to provide a neutral or beneficial effect on water quality and will incorporate water sensitive urban design to minimise the impacts of development on the natural water cycle by protecting natural systems and water quality, integrating stormwater into the landscape, and reducing run off, peak flows and demand for potable water. The subject land is not serviced by reticulated water supply or mains sewer.

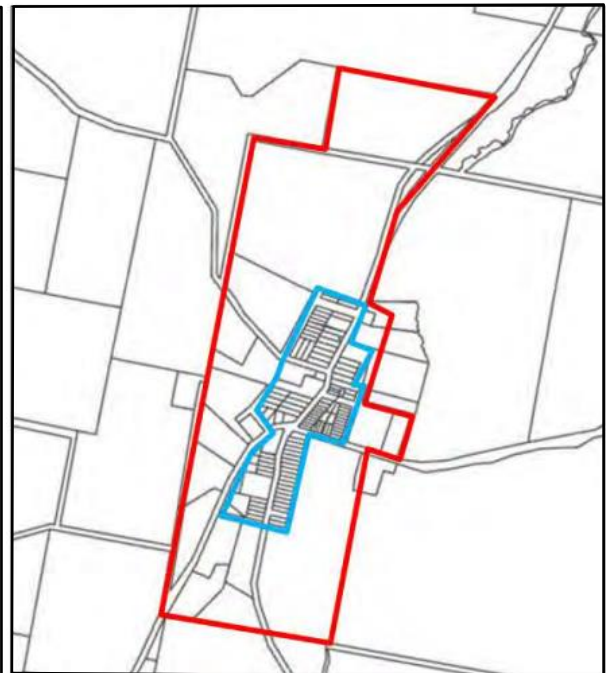
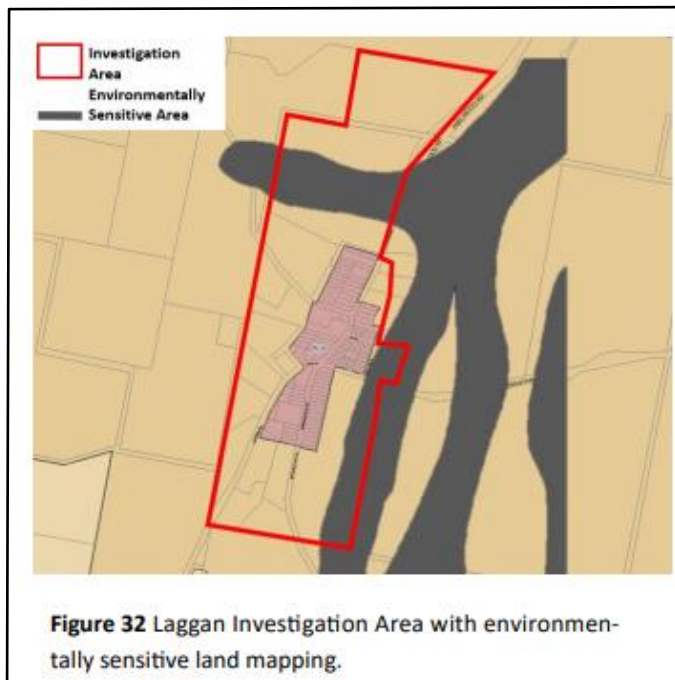
**Objective 17: Plan for a supply of housing in appropriate locations**

The objective states *“A mix of well-planned infill, greenfield and rural residential development is essential for the region.”* And *“Planning for affordable, quality homes in the right locations also requires planning for greater housing diversity to attract and retain younger residents while supporting people who want to stay in their local area as they get older.”*

**Comment:** The proposed development is in accordance with the Upper Lachlan Shire Draft Housing Strategy September 2021 and the Upper Lachlan 2040 Local Strategic Planning



Statement dated June 2020 – see plans below. The Planning Proposal complies with this identified housing investigation area for Laggan. The proposed rural residential development will enable greater housing diversity to attract and retain younger residents and will support people who want to stay in their local area as they get older.



**Figure 8.**

Laggan Settlement Boundaries and Investigation Area

**Key**

- ▭ existing settlement area
- ▭ investigation area

**Laggan Investigation Area**

(Plan Source: Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020)

**Laggan Investigation Area**

(Plan Source: Upper Lachlan Shire Draft Housing Strategy)

**Objective 19 - Improve the quality, resilience and sustainability of housing:**

The Objective states ‘Urban design has a vital role to play in assisting local governments and communities to respond to the challenges that face the region, and rethink how our built environment can support the health and wellbeing of both people and our environment in a changing climate. We need our cities and towns to develop sustainably and adapt to new technology - to foster new and emerging markets, businesses, jobs, and economic prosperity, and to enable the transition to net zero in the built environment. The Urban Design Guide for Regional NSW provides guidance for creating healthy built environments. Applying this guide can support a place based approach in ensuring strategic planning recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities.’

**Comment:** The proposed development will incorporate residential design guidelines and covenants to ensure the development provides quality, resilient and sustainable housing as indicated above and includes:

- Incorporate passive design strategies to optimize natural light, ventilation, and temperature control, reducing the need for artificial heating and cooling.
- Use high-performance insulation and energy-efficient windows to minimize heat loss and gain.
- Install on-site renewable energy sources such as solar panels to generate clean energy.
- Specify and install energy-efficient appliances, lighting, and HVAC (Heating, Ventilation, and Air Conditioning) systems.
- Implement smart home technologies to optimize energy use and reduce waste.
- Choose sustainable and environmentally friendly building materials with low embodied carbon and long life cycles.
- Prioritize materials with high recycled content and those that are easily recyclable at the end of their life.
- Implement water-efficient fixtures and appliances to minimize water consumption.
- Incorporate rainwater harvesting and graywater recycling systems for non-potable water use.
- Encourage and facilitate waste reduction and recycling practices within the residential community.
- Implement composting programs to divert organic waste from landfill.
- Design landscapes with native, drought-tolerant plants to reduce the need for irrigation.

**Objective 20 - Manage rural living:**

The Objective states *“Rural lifestyle developments give people the option to live in a semi-rural or urban fringe setting. Local housing strategies identify rural residential housing needs and local supply to understand the infrastructure needed to support rural communities.”*

**Comment:** This proposal satisfies the objective in that the development:

- is close to existing an urban settlement to maximise the efficient use of existing infrastructure and services and social and community infrastructure;
- will avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and
- will avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.

This development maximises the use of existing infrastructure and services and doesn't require new services that would impose excessive costs on Council. The development is on the edge of an existing urban area and supports the Upper Lachlan Council narrative with regard to housing that is responding to demographic changes and housing affordability pressures by allowing a mix of housing types. The additional residents will also help to support existing infrastructure; viz. Memorial hall, school, rural fire service, etc. Managing a rural living effectively requires a combination of practical skills, community engagement, and a mindset that appreciates the slower pace and unique characteristics of rural life and can necessitate the following:

- Learn basic skills such as gardening and basic home repairs to become more self-sufficient.
- Utilise alternative energy sources like solar power,
- Participate in local events, community meetings, and gatherings to build relationships with neighbours.

- Join local clubs, volunteer organizations, or community groups to become an active part of the rural community.
- Understand the specific risks and challenges of rural living, such as natural disasters or limited access to emergency services.
- Create an emergency preparedness plan that includes evacuation routes, communication strategies, and emergency supplies.
- Be mindful of water usage and consider implementing water-saving techniques.
- Explore rainwater harvesting and other sustainable water management practices.
- Identify the location of the nearest healthcare facilities and have a plan for medical emergencies.
- Consider telehealth options for routine check-ups and consultations.
- Participate in local events and festivals to build a sense of belonging.
- Embrace eco-friendly practices, such as composting, recycling, and minimizing waste.
- Consider energy-efficient appliances to reduce environmental impact.
- Engage with neighbours to establish a sense of community security.
- Be prepared for seasonal changes, whether it's extreme weather conditions, agricultural cycles, or wildlife patterns.
- Plan for heating and cooling needs based on seasonal variations.

Managing rural living successfully involves adapting to a different lifestyle and being proactive in addressing the unique challenges that come with rural environments. Building a strong connection with the local community and appreciating the benefits of rural living can contribute to a fulfilling and satisfying experience.

### **Local Narratives (Upper Lachlan)**

The Plan includes the comment that the Upper Lachlan Local Government Area is located on the traditional lands of the Dharug, Ngunnawal, Gundungurra and Wiradjuri nations and the Upper Lachlan LGA is characterised by its position on the Great Dividing Range, traversed by the Abercrombie, Wollondilly and Lachlan Rivers. Most people live in Crookwell and Gunning, however, villages like Collector, Taralga, Breadalbane, Bigga and Laggan are becoming popular for residents who can work remotely. The population is expected to grow from 8,330 to 9,699 by 2041.

**Comment:** The Planning Proposal reflects the existing RU5 zone in Laggan by providing large lot residential development which is very flexible and will offer a wide range of housing options whilst maintaining the cultural and historic heritage of Laggan and will result in a population increase for the Upper Lachlan Council area.

### **The Tablelands Regional Community Strategic Plan 2016-2036**

*The Tablelands Regional Community Strategic Plan 2016-2036* identifies the community aspirations via the strategic priorities that achieve the future visions for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Each relevant strategic pillar is identified below:

**ENVIRONMENT:**

**Strategy EN1** requires *“Protect and enhance the existing natural environment, including flora and fauna native to the region.”* The development site as a whole will protect and enhance the existing natural environment including flora and fauna native to the region and will result in the planting of locally sourced native vegetation within road reserves and on the private property which will be implemented in accordance with a site specific development control plan. Also, the land containing Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity.

**Strategy EN2** requires *“Adopt environmental sustainability practices.”* This development maximises the use of existing infrastructure and services and doesn’t require new services and thereby provides an environmentally sustainable development.

**Strategy EN3** requires *“Protect and rehabilitate waterways and catchments.”* The development will ensure the existing waterway is protected from stock grazing by the erection of riparian fencing which will enable the waterway area to naturally rehabilitate in accordance with a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity.

**Strategy EN4** requires *“Maintain a balance between growth, development and environmental protection through sensible planning.”* It is considered that the approach taken will achieve this objective by including consideration of environmental constraints, the amendment to the zoning and minimum lot size of the subject land.

**ECONOMY:**

**Strategy EC3** requires *“Support and foster conditions that enable local and small/home-based businesses to grow.”* The rezoning of land will provide the momentum for the rezoning aimed at achieving this objective. This is anticipated by the large lot size and the location of the site near existing businesses in the locality to encourage Home Occupations and Home Industries to establish in this location in accordance with the LEP 2010.

**Strategy EC4** requires *“Foster and develop a diverse, adaptive and innovative agricultural industry.”* The increase in population will enable employment opportunities in the area to encourage a diverse, adaptive and innovative agricultural industry in the locality.

**COMMUNITY:**

**Strategy C05** requires *“Maintain our rural lifestyle.”* The Planning Proposal is aimed at achieving this objective by providing residential lots adjacent to an urban boundary of a large area enabling a rural lifestyle to thrive in the locality.

**INFRASTRUCTURE:**

**Strategy IN3** requires *“Maintain and improve road infrastructure and connectivity.”* There is considered adequate infrastructure in the area to support the proposed residential development. New access roads linking with existing infrastructure will be constructed at the developers cost.

**LEADERSHIP:**

**Strategy CL4** requires *“Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.”* The development will contribute funding towards the provision of services throughout the Upper Lachlan Council area in accordance with the Upper Lachlan Development Contributions Plan 2007.

**4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

**(i) Upper Lachlan Shire 2040 Local Strategic Planning Statement:**

The Planning Proposal is consistent with the *Upper Lachlan Shire 2040 Local Strategic Planning Statement* dated June 2020 and in particular will provide an opportunity for new settlements close to existing urban service centres. Table 1 of the Statement (Upper Lachlan Shire Council Priorities, Principles and Actions) details the future directions for the Council area – see below.

**Table 1 Upper Lachlan Shire Council Priorities, Principles and Actions**

<b>Planning Principles</b>	<b>Priority 1 Non- Urban Land</b>	<b>Priority 2 Urban Land</b>	<b>Priority 3 Tourism</b>	<b>Priority 4 Business Development</b>
<b>Drivers of Growth and Sustainability</b>	1.1 (a) Promote a diverse agriculture-based economy. (b) Develop an agricultural strategy to provide for value -adding opportunities and succession.	2.1 (a) Develop village residential opportunities. (b) Design public places of creativity and innovation.	3.1 (a) Identify and locate new tourism opportunities. (b) Support tourism as a key sector in the Shire.	4.1 (a) Promote a diversified transitioning economy and provide for small business development. (b) Provide strategic support to entrepreneurs and tourism operators.
<b>Productivity and collaborative diversity</b>	1.2 (a) Plan for diverse agrobusinesses and agricultural land reform. (b) Encourage vertical integration of the rural economy. (c) Improve the diversity of land holding options to promote protection, production and investment.	2.2 Zone land for mixed-use, aged care and tourism developments and provide for urban diversity.	3.2 Plan for new tourism and destination opportunities as an economic benefit.	4.2 (a) Encourage and support growth in a variety of sectors to enable diversification of the Upper Lachlan economy. (b) Promote appropriate smaller-scale renewable energy projects using innovative technologies.
<b>Connectivity, transport and movement</b>	1.3 (a) Improve biodiversity connectivity and protection. (b) Continue to improve road access for commercial opportunities. (c) Improve telecommunications.	2.3 (a) Design towns for walking and cycling, promote density, increase accessibility, and facilitate a mix of collaborative uses. (b) Explore and promote active recreation options for cycling and walking. (c) Promote active transport and explore opportunities to develop an active transport network.	3.3 (a) Continue to improve road access and reuse of alternative transport facilities for destination activity. (b) Encourage cycling and walking opportunities throughout the Shire.	4.3 (a) Promote smart hubs and improve internet access capacity. (b) Promote transport hubs. (c) Promote energy hubs.
<b>Character, Identity, and heritage,</b>	1.4 (a) Protect and enhance the Indigenous, European, rural and natural landscapes.	2.4 Manage and enhance the distinctive character of each	3.4 Leverage and celebrate our natural and cultural heritage,	4.4 Reinforce the village town centre small business character and facilitate innovation

	(b) prepare an Aboriginal cultural heritage study.	village through a master plan. Develop Character Statements for urban development.	climate and natural beauty.	
<b>Lifestyle and livability</b>	1.5 Provide opportunities for housing diversity and off-farm income to suit changing circumstances.	2.5 Provide new space to grow around existing villages and towns and provide for infill opportunities.	3.5 (a) Conserve and adaptively reuse heritage assets (b) Enhance areas of high environmental value and visual significance.	4.5 Identify the commercial locations and focus points of the villages and structure business growth into them.
<b>Population</b>	1.6 Identify business opportunities that can value add to local business and attract investment and employment.	2.6 Lobby and promote the development of rural livability facilities in villages.	3.6 Plan for increased human and infrastructure capacity in the tourism phenomena and provide new destination activities.	4.6 Plan for increased capacity in various growth sectors and seek value-adding options.
<b>Landscape</b>	1.7 (a) Recognise environmental landscape values as productive or recreation elements. (b) Promote green infrastructure and ecosystem service opportunities. (c) Undertake a biodiversity assessment of the LGA and develop a rural planning strategy	2.7(a) Facilitate villages that are empathetic to the existing agri-scape: small protected bounded spaces. (b) Enhance utilisation of green infrastructure and increase trees.	3.7 (a) Utilise the temperate climate landscape as a place for active recreation opportunities. (b) Identify biodiversity values through landscape assessments to facilitate tourism opportunities.	4.7 Create focal points by siting commercial activities within a mixed-use commercially driven precincts.
<b>Structural Elements</b>	1.8 (a) Identify and protect high-value agricultural land, or land with high environmental value. (b) Review minimum lot size opportunities to facilitate agrarian investment.	2.8 (a) Provide new space to grow around existing villages and towns and provide for infill opportunities. (b) Lobby for more open spaces, parks, conservation areas, walking and cycling tracks.	3.8 Identify tourist- focused locations and provide for their development.	4.8 Identify and develop growth localities close to Canberra, Yass and Goulburn.

The Planning Proposal is consistent with the directions highlighted in the above table insofar that the development will:

- Improve opportunities to develop village residential opportunities in safe locations.
- Enable a design for walking, promote density and facilitate a mix of collaborative uses.



- Provide new space to grow around existing villages and towns and will encourage infill opportunities.
- Provide opportunities that can value add to local business and attract investment and employment in the agriculture sector.
- Enable increased human and infrastructure capacity in the tourism phenomena and new destination activities.
- Recognise the rural landscape as a productive element and identify the waterway as an environmentally sensitive aspect that need protecting.
- Reinforce the village town centre small business character and facilitate innovation.
- Provide opportunities for housing diversity and off-farm income to suit changing circumstances
- Facilitate villages that are empathetic to the existing agri- scape.
- Identify this growth locality being close to Goulburn.

**(ii) Upper Lachlan Shire Draft Housing Strategy:**

The Upper Lachlan Shire Draft Housing Strategy dated September 2021 includes the following vision in respect to population and housing:

*“To manage the demand for housing and associated population growth in a sustainable way to support a prosperous future for the community of Upper Lachlan while recognising and preserving the particular values, characters and liveability of the existing villages and rural areas within the Shire.”*

The strategy includes the following details regarding Investigation Areas for Growth:

*“A number of impediments to infill development within the existing town and village boundaries has been identified, including stringent planning controls which limit development activity and the ability to provide a diverse range of housing. Further, land banking, which is most apparent in or around the towns of Crookwell, Gunning and Grabben Gullen, places further limitations on the ability to expand and develop the towns to accommodate future growth and change. This land banking occurs due to the holding of larger parcels of land without proceeding to develop or due to purchase of multiple lots to meet the minimum lot size to build. Growth in the Shire to 2036 is predicted to be 0.05% per annum to 2036, with a slightly elevated level of growth of 0.08% in Crookwell and 0.36% in Gunning and Dalton. Whilst the number of underdeveloped or vacant lots would be adequate to accommodate this level of growth, this would not make provision for the following:*

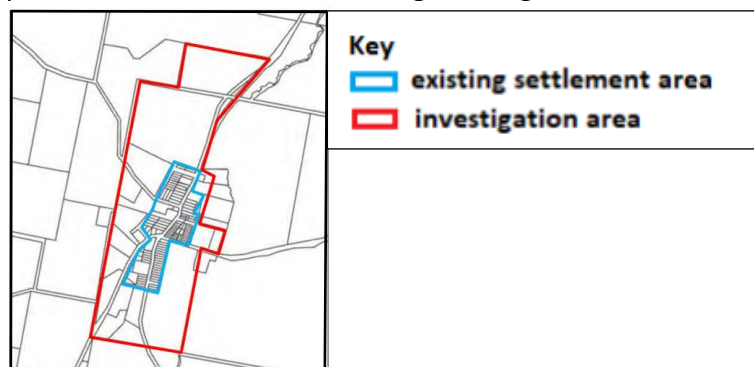
- *The lesser level of undeveloped or vacant land in Crookwell which is the major centre of the Shire and which is anticipated to experience a greater level of demand for housing than the outlying villages.*
- *The higher level of growth in the Gunning to Collector corridor due to the site’s high level of access to transport corridors.*
- *The potential increase in in migration, which is likely to be accelerated following the COVID-19 pandemic. People, in increasing numbers, are seeking to relocate to rural and regional areas in a less dense setting, whilst retaining work from home capability.*
- *A potential increase in demand which may occur following changes to*

*ULLEP 2010 and which will facilitate land development opportunities and increased housing choice.*

- *A potential increase in the number of secondary/holiday residences within the Shire, which will limit the availability of land for permanent primary residences.*
- *Growth in the tourism sector which has the potential to increase employment levels and provide a flow on effect to housing growth.*
- *The availability of land for future development, particularly amalgamated larger holdings, due to land banking in and around the towns.*
- *The desire by some landholders to continue to reside in a low density setting, which reduces infill opportunities.*
- *Land capability and site constraints which may limit the development potential of some land following detailed site specific investigations.*

*To address the above limitations, this Strategy has identified ‘investigation areas’ for the towns and villages. Such ‘investigation areas’ will ensure that sufficient land is available to accommodate growth in the medium to long term, in the event that growth in the Shire and particularly the priority centres, exceeds conservative population projections. Investigation areas have also been identified for the smaller villages, where supply is not an immediate priority, to ensure that current residents remain and future buyers are incentivised. The ‘investigation areas’ as shown in Figures 4-9 show the areas where attention should be focused to identify land suitable for future growth surrounding the towns and villages. Any flood affected land should only be investigated for intensive agricultural uses, with associated dwellings on flood free land.” (Pages 16 / 17)*

The strategy includes the following recommended housing investigation area for Laggan and the Planning Proposal complies with this identified housing investigation area.



**Recommended Settlement Investigation Area – Laggan**

(Map Source: Upper Lachlan Shire Draft Housing Strategy September 2021 Figure 8)

**(iii) Upper Lachlan Community Strategic Plan Vision 2023:**

The Upper Lachlan Community Strategic Plan Vision 2023 includes the following Vision and Mission Statement:

***The Vision for our future is:***

*To be a diverse local government area that provides various lifestyle, business enterprise, leisure and recreation alternatives, whilst ensuring environmental sustainability, preservation of our history and a sense of belonging in our community.*

***Mission Statement:***

*To provide services and facilities to enhance the quality of life and economic viability within the Council area. (Page 14)*

This planning proposal is consistent with the Upper Lachlan Community Strategic Plan Vision 2023 insofar that the development will provide for various lifestyle living opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community as well as providing services and facilities to enhance the quality of life and economic viability within the Council area. The large lot residential development will provide an opportunity for lifestyle, business enterprise, leisure and recreation alternatives for new residents to the area who will participate in the local community functions and organisations. The identified land does not impact on any historical items and there will be satisfactory environmental safeguards on future residential development with no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

**(iv) Upper Lachlan Local Environmental Plan 2010:**

The land is currently zoned RU2 Rural Landscape Zone with the following objectives and land uses:

***1 Objectives of zone***

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To maintain the rural landscape character of the land.*
- To provide for a range of compatible land uses, including extensive agriculture.*
- To preserve environmentally sensitive areas including waterways and prevent inappropriate development likely to result in environmental harm.*
- To protect the Pejar catchment area from inappropriate land uses and activities and minimise risk to water quality.*
- To minimise the visual impact of development on the rural landscape.*
- To minimise the impact of development on the existing agricultural landscape character.*
- To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.*
- To maintain areas of high conservation value vegetation.*

***2 Permitted without consent***

*Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Home-based child care; Home occupations*

***3 Permitted with consent***

*Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Farm stay accommodation; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Plant nurseries; Restaurants or cafes;*

*Roads; Roadside stalls; Rural supplies; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recreation structures; Wharf or boating facilities; Wholesale supplies*

The Planning Proposal proposes the subject land to be rezoned to RU5 Village and C3 Environmental Management under the Upper Lachlan LEP 2010 and the following zone objectives and land use table will apply:

**(i) RU5 Village Zone**

**1 Objectives of zone**

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure the orderly and efficient use of land and infrastructure within each village.*
- *To improve the amenity of residential, commercial, civic and community uses within village areas.*
- *To conserve buildings, landscape features and streetscape features that contribute to the character and identity of village areas.*
- *To protect creeks and waterways that are associated with the village and surrounding area.*
- *To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.*
- *To maintain areas of high conservation value vegetation.*

**2 Permitted without consent**

*Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home occupations*

**3 Permitted with consent**

*Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Self-storage units; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

#### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cellar door premises; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sex services premises; Sewerage systems; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities*

The objectives of the RU5 Village Zone are examined below:

**To provide for a range of land uses, services and facilities that are associated with a rural village.**

The proposed development will provide for residential development that is associated with a rural village.

**To ensure the orderly and efficient use of land and infrastructure within each village.**

The proposed development will ensure the orderly and efficient use of the land and infrastructure within Laggan.

**To improve the amenity of residential, commercial, civic and community uses within village areas.**

The proposed development will improve the amenity of the area being directly adjacent to an existing residential area.

**To conserve buildings, landscape features and streetscape features that contribute to the character and identity of village areas.**

The proposed development will contribute to the character and identity of Laggan.

**To protect creeks and waterways that are associated with the village and surrounding area.**

An ecological assessment of the subject land undertaken by Capital Ecology notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. The Planning Proposal will protect the waterways on the subject land.

**To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.**

The assessment of the land for water management and waste water management in association with any proposed development requiring consent will ensure the protection and enhancement of the water quality of watercourses and groundwater systems to reduce land degradation. The proposed development will have no impact on the water quality of watercourses and groundwater systems in Laggan.

**To maintain areas of high conservation value vegetation.**

Part of the subject land is identified on the Upper Lachlan LEP 2010 Natural Resources Sensitivity—Biodiversity Map (Annexure C) and the Natural Resources Sensitivity—Land Map (Annexure D). The land is not identified on the Natural Resources Sensitivity—Water Map (Annexure E). Capital Ecology have undertaken an Ecological Values and Constraints Assessment of the site in a report dated 17 September 2019 – see Annexure H) and the report states:

*Overall, with consideration of the study area's land use history and current ecological values, it is our view that the proposed rezoning and subsequent subdivision and development of the study area is a reasonable proposition. Provided that the above recommendations are appropriately incorporated, development in the study area could be designed to avoid significant impacts upon the ecological values of the study area and locality.*

The proposed development will have no impact on high conservation value vegetation as it is not present on the subject land and it is proposed that the area containing Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. The Planning Proposal will not impact the conservation values that apply to the land.

**(ii) C3 Environmental Management****1 Objectives of zone**

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive land and areas of high environmental value.*
- *To retain the significant historic and social values expressed in existing landscapes and land use patterns.*
- *To minimise the proliferation of buildings in sensitive landscape areas.*
- *To restrict the use of land to low-impact uses compatible with preserving drinking water catchments and relating to tourist activities or recreation in, or environmental enhancement of, the natural surroundings.*

**2 Permitted without consent**

*Environmental protection works; Extensive agriculture; Home occupations*

**3 Permitted with consent**

*Backpackers' accommodation; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm stay accommodation; Flood mitigation works; Function centres; Home industries; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Signage; Tank-based aquaculture; Water recreation structures; Wharf or boating facilities*



#### **4 Prohibited**

*Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

The objectives of the C3 Environmental Management Zone are examined below:

**To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.**

The ecological assessment of the subject land undertaken by Capital Ecology notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity.

**To provide for a limited range of development that does not have an adverse effect on those values.**

The C3 zone land use table will only permit a limited range of development subject to Council consent.

**To facilitate the management of environmentally sensitive land and areas of high environmental value.**

The proposed Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder will ensure the area is protected in perpetuity.

**To retain the significant historic and social values expressed in existing landscapes and land use patterns.**

The proposed development will have a very minimal impact on significant historic and social values.

**To minimise the proliferation of buildings in sensitive landscape areas.**

The proposed RU5 Village zone is not located in a sensitive landscape area and the large minimum area proposed for the C3 Environmental Management zone (10ha) will minimise the number of buildings on the land.

**To restrict the use of land to low-impact uses compatible with preserving drinking water catchments and relating to tourist activities or recreation in, or environmental enhancement of, the natural surroundings.**

The C3 zone land use table will only permit a limited range of development subject to Council consent and will restrict the use of land to low-impact uses compatible with preserving drinking water catchments and relating to tourist activities or recreation in, or environmental enhancement of, the natural surroundings.

#### **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The current State Environmental Planning Policies applying to the land are detailed below (Source: NSW Planning Portal – 12 January 2024):

**SEPP (Biodiversity and Conservation) 2021**

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing) 2021

SEPP (Industry and Employment) 2021

SEPP (Planning Systems) 2021:

**SEPP (Primary Production) 2021**

SEPP (Resilience and Hazards) 2021

SEPP (Resources and Energy) 2021

SEPP (Sustainable Buildings) 2022

**SEPP (Transport and Infrastructure) 2021**

SEPP No 65—Design Quality of Residential Apartment Development:

The applicable State Environmental Planning Policies are highlighted above and are discussed below:

**(i) SEPP (Biodiversity and Conservation) 2021:**

- Chapter 1 Preliminary Noted.
- Chapter 2 Vegetation in non-rural areas N.A.
- Chapter 3 Koala habitat protection 2020
- Chapter 4 Koala habitat protection 2021

An Ecological Values and Constraints Assessment has been undertaken by Capital Ecology and in respect to fauna on the site the following species were identified:

**Appendix B. Fauna Species Recorded**

Class	Common name	Scientific name	BC Act status
Amphibia	Common Eastern Froglet	<i>Crinia signifera</i>	Protected
Amphibia	Whistling Tree Frog	<i>Litoria verreauxii</i>	Protected
Aves	Pacific Black Duck	<i>Anas superciliosa</i>	Protected
Aves	Grey Butcherbird	<i>Cracticus torquatus</i>	Protected
Aves	Australian Magpie	<i>Gymnorhina tibicen</i>	Protected
Aves	Noisy Miner	<i>Manorina melanocephala</i>	Protected
Aves	Crimson Rosella	<i>Platycercus elegans</i>	Protected
Aves	Eastern Rosella	<i>Platycercus eximius</i>	Protected
Mammalia	European Rabbit	<i>Oryctolagus cuniculus</i>	-

Source: Capital Ecology Ecological Values and Constraints Assessment Sept. 2019

There was no record of koala activity on the site and there is no koala habitat.

- Chapter 5 River Murray lands N.A.
- Chapter 6 Water catchments N.A.

The subject land is not located within the Sydney drinking water catchment area – see map below:



### Sydney Drinking Water Catchment – Part

(Source: Water NSW Web Site)

- Chapters 7–12 (Repealed)
- Chapter 13 Strategic conservation planning N.A.

#### (ii) SEPP (Primary Production) 2021:

- Chapter 2 Primary production and rural development

The aims of this Chapter are:

- (a) *to facilitate the orderly economic use and development of lands for primary production,*
- (b) *to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) *to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) *to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) *to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) *to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The following comments are in respect to the above aims:

- The Planning Proposal will not impact on the economic use and development of adjoining lands for primary production.
- The Planning Proposal is located directly adjacent to an existing RU5 Village zone and the proposed E3 zone will minimise land use conflicts with the adjacent RU2 zone land uses. The Proposal is also consistent with the Upper Lachlan Local Strategic Planning Statement 2010 dated June 2020 and Draft Housing Strategy dated September 2021 which balances primary production and residential development. Native vegetation, biodiversity and water resources will not be adversely impacted.

**(iii) SEPP (Transport and Infrastructure) 2021:**

- Chapter 2 Infrastructure

The aims of this Chapter are:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

The policy applies to all local government areas within the state, including Upper Lachlan Shire, and the SEPP requires consultation with Council regarding infrastructure and services and flooding.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?**

The following table is a list of Directions issued by the Minister for Planning to relevant planning authorities under Section 9.1 Directions by the Minister (12 May 2023).

Direction	Applies?	Consistency?
<b>Focus area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	Yes	Yes
1.2 Development of Aboriginal Land Council land	No	N.A.
1.3 Approval and Referral Requirements	Yes	Yes
1.4 Site Specific Provisions	No	N.A.
1.4A Exclusion of Development Standards from Variation	No	N.A.
<b>Focus area 1: Planning Systems - Place-based</b>		

1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N.A.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N.A.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N.A.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N.A.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N.A.
1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N.A.
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N.A.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N.A.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N.A.
1.14	Implementation of Greater Macarthur 2040	No	N.A.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N.A.
1.16	North West Rail Link Corridor Strategy	No	N.A.
1.17	Implementation of the Bays West Place Strategy	No	N.A.
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N.A.
1.19	Implementation of the Westmead Place Strategy	No	N.A.
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N.A.
1.21	Implementation of South West Growth Area Structure Plan	No	N.A.
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N.A.
<b>Focus area 2: Design and Place</b>			
<b>Focus area 3: Biodiversity and Conservation</b>			
3.1	Conservation Zones	Yes	Yes
3.2	Heritage Conservation	No	N.A.
3.3	Sydney Drinking Water Catchments	No	See 5(i) above
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N.A.
3.5	Recreation Vehicle Areas	No	N.A.
3.6	Strategic Conservation Planning	No	N.A.
3.7	Public Bushland	No	N.A.
3.8	Willandra Lakes Region	No	N.A.
3.9	Sydney Harbour Foreshores and Waterways Area	No	N.A.
3.10	Water Catchment Protection	No	N.A.
<b>Focus area 4: Resilience and Hazards</b>			
4.1	Flooding	Yes	Yes
4.2	Coastal Management.	No	N.A.
4.3	Planning for Bushfire Protection	Yes	Yes
4.4	Remediation of Contaminated Land	No	N.A.
4.5	Acid Sulfate Soils	No	N.A.
4.6	Mine Subsidence and Unstable Land	No	N.A.
<b>Focus area 5: Transport and Infrastructure</b>			
5.1	Integrating Land Use and Transport	No	N.A.
5.2	Reserving Land for Public Purposes	No	N.A.
5.3	Development Near Regulated Airports and Defence Airfields	No	N.A.
5.4	Shooting Ranges	No	N.A.
<b>Focus area 6: Housing</b>			
6.1	Residential Zones	Yes	Yes
6.2	Caravan Parks and Manufactured Home Estates	No	N.A.
<b>Focus area 7: Industry and Employment</b>			
7.1	Business and Industrial Zones	No	N.A.
7.2	Reduction in non-hosted short-term rental accommodation period	No	N.A.

7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N.A.
<b>Focus area 8: Resources and Energy</b>			
8.1	Mining, Petroleum Production and Extractive Industries	No	N.A.
<b>Focus area 9: Primary Production</b>			
9.1	Rural Zones	Yes	Yes
9.2	Rural Lands	Yes	Yes
9.3	Oyster Aquaculture	No	N.A.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N.A.

The applicable s9.1 Directions (highlighted above) are discussed below:

### **DIRECTION 1.1: IMPLEMENTATION OF REGIONAL PLANS**

#### **Objective**

*The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*

#### **Application**

*This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.*

#### **Direction 1.1**

*(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.*

#### **Consistency**

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:*

- (a) the extent of inconsistency with the Regional Plan is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.*

#### **Comment:**

The planning proposal is consistent with the objectives and actions contained within the Draft South East and Tablelands Regional Plan 2041 and The Tablelands Regional Community Strategic Plan 2016-2036. See Section B, Item 3 above.

### **DIRECTION 1.3: APPROVAL AND REFERRAL REQUIREMENTS**

#### **Objective**

*The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.*

#### **Application**

*This direction applies to all relevant planning authorities when preparing a planning proposal.*

#### **Direction 1.3**

*(1) A planning proposal to which this direction applies must:*

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*



- i. the appropriate Minister or public authority, and
  - ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and
- (c) not identify development as designated development unless the relevant planning authority:
  - i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
  - ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

### **Consistency**

*A planning proposal must be substantially consistent with the terms of this direction.*

### **Comment:**

Future development as a consequence of this Planning Proposal will be subject to the current *Upper Lachlan Local Environmental Plan 2010* provisions which will encourage the efficient and appropriate assessment of development.

## **DIRECTION 3.1: CONSERVATION ZONES**

### **Objective**

*The objective of this direction is to protect and conserve environmentally sensitive areas.*

### **Application**

*This direction applies to all relevant planning authorities when preparing a planning proposal.*

### **Direction 3.1**

- (1) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (2) *A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".*

### **Consistency**

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:*

- (a) *justified by a strategy approved by the Planning Secretary which:*
  - i. *gives consideration to the objectives of this direction, and*
  - ii. *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or*
- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*

- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*
- (d) is of minor significance.*

**Comment:**

An ecological assessment of the subject land has been undertaken by Capital Ecology and the ecological assessment notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. The Planning Proposal will not impact the conservation values that apply to the land and will include a provision that facilitates the protection and conservation of environmentally sensitive areas.

## **DIRECTION 4.1: FLOODING**

### **Objectives**

*The objectives of this direction are to:*

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.*

### **Application**

*This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

### **Direction 4.1**

- (1) A planning proposal must include provisions that give effect to and are consistent with:
  - (a) the NSW Flood Prone Land Policy,*
  - (b) the principles of the Floodplain Development Manual 2005,*
  - (c) the Considering flooding in land use planning guideline 2021, and*
  - (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.**
- (2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.*
- (3) A planning proposal must not contain provisions that apply to the flood planning area which:
  - (a) permit development in floodway areas,*
  - (b) permit development that will result in significant flood impacts to other properties,*
  - (c) permit development for the purposes of residential accommodation in high hazard areas,*
  - (d) permit a significant increase in the development and/or dwelling density of that land,**

- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,*
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or*
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.*

*(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:*

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit a significant increase in the dwelling density of that land,*
- (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or*
- (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.*

*(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council*

### **Consistency**

*A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:*

- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or*
- (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or*
- (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.*

Note: In this direction:

(a) “flood prone land” “flood storage” “floodway” and “high hazard” have the same meaning as in the Floodplain Development Manual 2005.

(b) “flood planning level” “flood behaviour” and “flood planning area” has the same meaning as in the Considering flooding in land use planning guideline 2021.

(c) Special flood considerations are outlined in the Considering flooding in land use planning guideline 2021 and an optional clause in the Standard Instrument (Local Environmental Plans) Order 2006.

(d) Under the floodplain risk management process outlined in the NSW Government’s Floodplain Development Manual 2005, councils may produce a flood study followed by a floodplain risk management study and floodplain risk management plan.

**Comment:**

A Flood Impact and Risk Assessment dated December 2023 has been undertaken by Catchment Simulation Solutions (CSS) (see Annexure I) and the summary includes the following statement:

*“A flood impact assessment was completed and shows that although the proposed works are predicted to produce localised changes in flood behaviour within the site, no changes are predicted outside of the site in all flood events.”*

The FIRA also includes comments in respect to Direction 4.1 being:

**Objectives**

The objectives of this direction are:

- (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and**

*Consistent: It is noted that the Floodplain Development Manual 2005 has been superseded by the Flood Risk Management Manual 2023. Nevertheless, the underlying principles of both documents are consistent. This FIRA was prepared based on hydrologic procedures outlined within ‘Australian Rainfall and Runoff – A Guide to Flood Estimation’ (Ball et al, 2019) which reflects modern best practice. The assessment has shown that the development proposal allows for development within the site that is compatible with the flood behaviour and function on the land by locating all proposed dwellings outside of the floodplain. A single internal road is the only component of the development that is in contact with floodwaters, and it is elevated above the PMF. The works are also not predicted to adversely impact on peak flood level or velocity outside of the development site in any flood event. Therefore, the proposal does not increase any public or private losses from flooding. Furthermore, the development of the site recognises the value of use, occupation and development of the land. Each of these outcomes demonstrate that the development proposal meets the key objectives of the NSW Government’s Flood Prone Land Policy and Floodplain Development Manual 2005.*

- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.**

*Consistent: The proposed development arrangement is considered to provide suitable management of the flood behaviour and flood risk by locating habitable areas outside of the floodplain, having all proposed dwellings outside of the floodplain, and only a single crossing of the internal roadway with a watercourse. Consideration of the*

potential flood impacts of the range of flood events up to the PMF have been assessed and demonstrate that no changes in peak flood level or velocity are predicted outside of the development site in any flood event, and only minor changes are predicted within the site.

#### **Application**

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Applies: The planning proposal is located within the Upper Lachlan Shire Council LGA. Upper Lachlan Shire Council are responsible for the management of flood prone land within the Upper Lachlan Shire Council LGA. The planning proposal aims to rezone land that is flood prone.

#### **Direction 4.1**

**(1) A planning proposal must include provisions that give effect to and are consistent with:**

**(a) the NSW Flood Prone Land Policy**

Consistent: Detailed discussion on how this proposal has demonstrated compliance with the NSW Flood Prone Land Policy is included in Section 4.3 as well as the previous page of this report.

**(b) the principles of the Floodplain Development Manual 2005**

Consistent: As outlined in Section 4.3, the proposal has demonstrated compliance with the NSW Flood Prone Land Policy and has adopted (where possible) hydrologic and hydraulic parameters, hydraulic category definitions and flood planning area definitions from 'The Villages of Crookwell, Gunning, Collector and Taralga Floodplain Risk Management Study and Draft Plan' (Lyall & Associates, 2017) which was prepared in accordance with the NSW Floodplain Development Manual 2005 and is considered to be the best local guidance.

**(c) The Considering flooding in land use planning guideline 2021, and**

Consistent: Detailed discussion on how this proposal has demonstrated compliance with the 'Considering Flooding in Land Use Planning Guideline' 2021 is included in Section 4.4 of this report.

**(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.**

Not Applicable: No flood study or floodplain risk management study has been prepared/adopted for the catchment. However, as stated above, the planning proposal is supported by this FIRA which has been prepared in accordance with 'Australian Rainfall and Runoff – A Guide to Flood Estimation' (Ball et al, 2019) and has attempted to maintain consistency with the 'The Villages of Crookwell, Gunning, Collector and Taralga Floodplain Risk Management Study and Draft Plan' (Lyall & Associates, 2017) which was prepared in accordance with the NSW Floodplain Development Manual 2005

**(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.**

Inconsistent: The rezoning of the southern portion of the overall site from RU2 to RU5 will include land within the flood planning area. However, no development is

proposed within the flood planning area, and the flow path through this portion of the site is only classified as a first order stream which can be appropriately incorporated into a RU5 zoning with appropriate site layout.

The zoning of the northern portion of the site is consistent as it is being zoned as C3 (Environmental Management) and not residential.

**(3) A planning proposal must not contain provisions that apply to the flood planning area which:**

**(a) permit development in floodway areas,**

Consistent: No habitable development is proposed within any floodway area. A culvert crossing (with associated earthworks) will be installed along the southern flow path to permit the passage of flood flows beneath an internal roadway.

**(b) permit development that will result in significant flood impacts to other properties,**

Consistent: Flood level and velocity impacts have been mapped (Figures 63-80) for the 63.2%, 50%, 20%, 5%, 1%, 0.5% AEP and PMF events. The mapping shows that no significant impacts on flood behaviour across other properties.

**(b) © permit development for the purposes of residential accommodation in high hazard areas,**

Consistent: No residential development is proposed within any high hazard areas during floods up to and including the PMF.

**(d) permit a significant increase in the development and/or dwelling density of that land,**

Consistent: The rezoning from RU2 to RU5 provides the opportunity for increased development within the site. However, no development or increase in dwelling density is proposed within the floodplain (i.e., PMF extent)

**(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,**

Consistent: The development that would result from the planning proposal does not propose any of these development types.

**(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,**

Consistent: A development application will be lodged seeking consent for the proposed development following the approval of the planning proposal.

**(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or**

Consistent: The proposed rezoning will locate all development (other than drainage infrastructure) outside of the flood planning area. This will prevent the need for increased government spending on flood mitigation.

Safe evacuation from the site is available via the internal access roadway to Peelwood Road, and south to Laggan in all flood events. Therefore, the proposal will not require increased spending on emergency management services and emergency response measures.

***(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.***

*Consistent: The proposed rezoning from RU2 (rural) zoning to RU5 (village) zoning will not permit hazardous industries or hazardous storage establishments as only residential development is proposed. Further, all proposed development (other than infrastructure) will be located outside of the flood planning area.*

***(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:***

***(a) permit development in floodway areas,***

***(b) permit development that will result in significant flood impacts to other properties,***

***(c) permit a significant increase in the dwelling density of that land,***

***(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,***

***(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or***

***(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.***

*Consistent: Upper Lachlan Shire Council has adopted the Special Flood Considerations clause (clause 5.22 within the LEP). However, as no sensitive land uses are proposed, the special flood considerations clause does not apply.*

***(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.***

*Consistent: Flooding within the development site is considered to be 'Minor Tributary Flooding' as per definitions in the 'The Villages of Crookwell, Gunning, Collector and Taralga Floodplain Risk Management Study and Draft Plan' (Lyall & Associates, 2017) which was undertaken for townships located within the Upper Lachlan Shire and is therefore considered to be the best local guidance. A flood planning area was developed for the current site in a manner consistent with this study.*

#### ***Consistency***

***(9) A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:***

***(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or***

*Not applicable: No floodplain risk management study or plan has been prepared or adopted by Upper Lachlan Shire for the area of the planning proposal. However, the planning proposal is considered to be consistent with the principles and guidelines of the Floodplain Development Manual 2005 and has followed similar procedures to*

the 'The Villages of Crookwell, Gunning, Collector and Taralga Floodplain Risk Management Study and Draft Plan'.

**(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or**

*Not applicable: No flood study has been prepared or adopted by Upper Lachlan Shire for the area of the planning proposal. However, the planning proposal has used modern flood modelling software, the latest flood estimation guidance (i.e., Australian Rainfall & Runoff 2019) and has adopted similar hydrologic and hydraulic parameters to those documented in 'The Villages of Crookwell, Gunning, Collector and Taralga Floodplain Risk Management Study and Draft Plan' which is the best local guidance available.*

**(c) the planning proposal is supported by a flood impact and risk assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or**

*Consistent: The planning proposal is supported by a Flood Impact and Risk Assessment (the current document) which has considered the range of possible floods, emergency response as well as the Upper Lachlan Shire Council flood related development controls and has been completed consistent with the principles and guidelines of the Floodplain Development Manual 2005 and floodplain risk management studies for nearby townships.*

**(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.**

*Applicable: The planning proposal is inconsistent with Direction (2) whereby areas of the future RU5 zoned area fall within the flood planning area. However, no development is proposed within the flood planning area.*

### **DIRECTION 4.3: PLANNING FOR BUSHFIRE PROTECTION**

#### **Objectives**

*The objectives of this direction are to:*

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) encourage sound management of bush fire prone areas.*

#### **Application**

*This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.*

*This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

#### **Direction 4.3**

*(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account*



any comments so made.

(2) A planning proposal must:

- (a) have regard to *Planning for Bushfire Protection 2019*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
  - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
  - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for firefighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area

### **Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

### **Comment:**

Only a small part of the development area is shown to be bushfire prone (see extract from the Upper Lachlan Bushfire Prone Land map at Annexure F) and a bushfire assessment has been undertaken by Australian Bushfire Solutions dated December 2023 (copy at Annexure F). The summary of assessment considerations, findings and recommendations states:

*“This report finds that the proposed rezoning addresses the assessment considerations identified in Chapter 4 PBP 2019 for a Strategic Bush Fire Study.*

*This report finds that the proposed subsequent subdivision and road closures satisfies the requirements identified in PBP 2019 for the creation of lots for residential or rural residential purposes.*

*If the proposal incorporates the recommendations in Section 5 above, then the proposed design is considered acceptable in satisfying the performance criteria outlined in Chapter*

5 of PBP 2019. Hence this report does not believe that the proposal should be rejected due to bushfire considerations.”

## **DIRECTION 6.1: RESIDENTIAL ZONES**

### **Objectives**

The objectives of this direction are to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) minimise the impact of residential development on the environment and resource lands.*

### **Application**

*This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.*

### **Direction 6.1**

*(1) A planning proposal must include provisions that encourage the provision of housing that will:*

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

*(2) A planning proposal must, in relation to land to which this direction applies:*

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

### **Consistency**

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:*

- (a) justified by a strategy approved by the Planning Secretary which:
  - i. gives consideration to the objective of this direction, and*
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*
- (d) of minor significance*

**Comment:**

The RU5 zone will allow for a variety of housing types and will have access to existing infrastructure and services in Laggan and Crookwell and is located adjacent to existing residential zoned land.

**DIRECTION 9.1: RURAL ZONES****Objective**

*The objective of this direction is to protect the agricultural production value of rural land.*

**Application**

*This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).*

**Direction 9.1**

*(1) A planning proposal must:*

- (a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

**Consistency**

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:*

- (a) justified by a strategy approved by the Planning Secretary which:
  - i. gives consideration to the objectives of this direction, and*
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*
- (d) is of minor significance*

**Comment:**

The Planning Proposal seeks to rezone some land from a rural zone (RU2) to a residential zone (RU5) and is justified in terms of the minor significance of the proposal and being consistent with the Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020 and Draft Housing Strategy dated September 2021, the South East and Tablelands Regional Plan 2036 and the Sydney - Canberra Regional Strategy 2006 - 2031.

**DIRECTION 9.2: RURAL LANDS****Objectives**

*The objectives of this direction are to:*

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,*
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.*

### **Application**

*This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:*

- (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or*
- (b) changes the existing minimum lot size on land within a rural or conservation zone.*

*Note: Reference to a rural or conservation zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4*

### **Direction 9.2**

*(1) A planning proposal must:*

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement*
- (b) consider the significance of agriculture and primary production to the State and rural communities*
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources*
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions*
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities*
- (f) support farmers in exercising their right to farm*
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use*
- (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land*
- (i) consider the social, economic and environmental interests of the community.*

*(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:*

- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses*
- (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains*
- (c) where it is for rural residential purposes:*

- i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres*
- ii. is necessary taking account of existing and future demand and supply of rural residential land.*

*Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.*

### **Consistency**

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:*

- (a) justified by a strategy approved by the Planning Secretary and is in force which:
 
  - i. gives consideration to the objectives of this direction, and*
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or**
- (b) is of minor significance*

### **Comment:**

An increase in the permissible density of land is justified in terms of the minor significance of the proposal as detailed below:

- The planning proposal is adjacent to an existing village;
- The proposal is consistent with the Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020 and Draft Housing Strategy dated September 2021;
- The proximity of the subject land to Laggan and adjoining land with a minimum lot size of 4,000m<sup>2</sup> will ensure that the proposal will not result in fragmentation of farm land;
- The proximity of the site to Laggan and adjoining land with minimum lot size of 4,000m<sup>2</sup> ensures the proposal will increase compatibility and minimise any potential for land use conflicts caused by intensive agricultural uses;
- The proximity of the subject land to the Peelwood Road and network of local roads will minimise the potential for land use conflicts;
- The planning proposal will have minimal environmental impact on the local biodiversity and water resources;
- The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (e.g. school bus and postal services). The proximity to Goulburn will ensure ready access to all the services (e.g. health, education, employment, etc.).
- The planning proposal is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
- The development will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains.
- The site is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
- The development is necessary taking account of existing and future demand and supply of rural residential land.

## Section C - Environmental, Social and Economic Impact

### 7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

An ecological assessment of the subject land has been undertaken by Capital Ecology and a copy is attached at Annexure H. This assessment includes the following conclusions and recommendations:

#### (i) **Conclusions and Recommendations:**

*The following are the key conclusions or our assessment.*

*1. The study area's climax vegetation communities have been highly degraded by the land use history and associated vegetation and landform modification. Notwithstanding this, the patches designated 'PCT 677 Zone 1' and 'PCT 677 Zone 2' still support the canopy cover and/or the groundstorey floristic diversity sufficient to meet the listing criteria for the BC Act listed 'Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland' TEC.*

*2. The areas designated 'PCT 677 Zone 1', 'PCT 730 Zone 1', and 'PCT 730 Zone 2' have sufficient remnant canopy cover to constitute native vegetation under the BC Act. Additionally, 'PCT 677 Zone 2' has sufficient groundstorey cover of native species to constitute native vegetation under the BC Act.*

*3. The area designated 'PCT 677 Zone 1' contains the EPBC Act and BC Act listed species Black Gum Eucalyptus aggregata. Additionally, 'PCT 677 Zone 1' and 'PCT 677 Zone 2' both contain potential habitat for the EPBC Act and BC Act listed species River Swamp Wallaby-grass Amphibromus fluitans. Targeted surveys between November and March would be required to confirm presence/absence of this species.*

*Considering the above, we recommend the following for the proposed subdivision of the study area.*

*1. Impacts to vegetation zones 'PCT677 Zone 1' and 'PCT677 Zone 2' (refer Figure 2) should be avoided to the greatest extent practicable. Any proposed action/development impacting 'PCT677 Zone 1' would require referral to the Commonwealth DoEE under the EPBC Act due to the impact on a MNES (Black Gum). Additionally, both the above vegetation zones meet the criteria for the BC Act listed TEC 'Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland'. Any impact upon this TEC would trigger the BOS requirement to prepare a BDAR, likely resulting in the generation of a biodiversity offset liability.*

*2. Minimise the clearance of native vegetation. Any development proposal that would involve the clearance of 1 ha or more of the area classified as BC Act Native Vegetation (refer Figure 3) would trigger the BOS requirement to prepare an BDAR. If the clearance of over 1 ha of native vegetation cannot be avoided, then we note that impacts to PCT 677 are likely to be more constrained (i.e. more difficult approval process and/or generate a greater offset liability) than PCT 730, and this should be considered in the planning process accordingly (as part of a BDAR).*

*3. Conducting targeted surveys for the EPBC Act and BC Act listed species River Swamp Wallaby-grass is unwarranted at this time, given the potential habitat for this species is confined to vegetation zones 'PCT677 Zone 1' and 'PCT677 Zone 2' which are already highly constrained due to their being a BC Act listed TEC and habitat for an EPBC Act and BC Act listed threatened species (Black Gum). We note that targeted surveys for River Swamp Wallaby-grass would be required for the preparation of a BDAR or EPBC Act referral, both of which would be required if*

*impacts to 'PCT677 Zone 1' or 'PCT677 Zone 2' were proposed. As discussed above, we recommend avoiding these zones in any planned action/development to avoid EPBC Act referral and avoid triggering the BOS and its requirement to prepare a BDAR.*

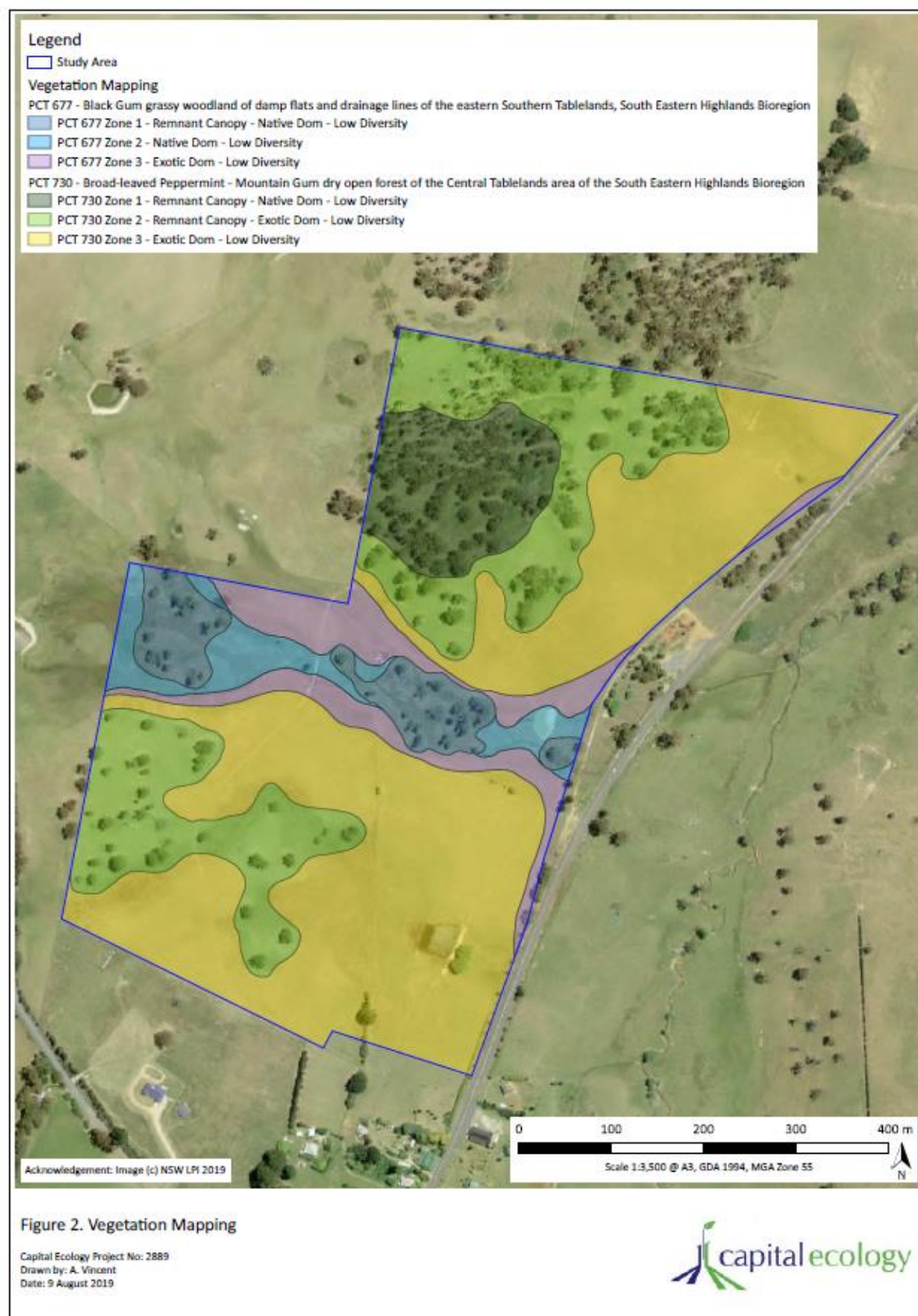
*4. If the above described avoidance of the study area's listed values is not feasible, and therefore the BOS is triggered, a BDAR would need to be prepared for submission with the development application. We note that a BDAR requires floristic and targeted surveys which are subject to seasonal requirements. As mentioned above, the area designated 'PCT 677 Zone 1 and Zone 2' are likely to be highly constrained from a biodiversity perspective. Clearance of more than 1 ha of the native vegetation in 'PCT 730 Zone 1 and Zone 2' is likely to be approved, however it would result in the generation of a biodiversity offset liability, the value of which is determined by applying the BAM and preparation of a BDAR.*

*5. The conservation and rehabilitation of riparian land has many benefits both at the site scale and catchment scale (e.g. biodiversity improvement, control of erosion and sedimentation of receiving waterways etc.). Indeed, due to the very high benefit to cost ratio, rehabilitation of riparian land in the NSW South East Highlands bioregion is a top priority for the NSW Government. This means that conservation funding (e.g. through Landcare, NSW Environment Trust etc.) is prioritised for projects that involve direct conservation and rehabilitation of riparian land. As such, and given the significant conservation status and degree of constraint applicable to PCT 677 in the study area, we believe that funding could be successfully obtained to pay for rehabilitation works in PCT 677. Accordingly, we recommend that consideration be given during subdivision design and planning to establish PCT 677 Zone 1 and Zone 2 as a conservation area. This would involve fencing off the area to exclude stock, ongoing weed control, and potentially planting Black Gum and other native species to augment the existing vegetation (noting that in the absence of stock grazing the Black Gum are likely to regenerate naturally from the seed from the remaining mature trees).*

The ecological assessment of the subject land undertaken by Capital Ecology notes that the land contains Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion. It is proposed that this area will be excluded from any development and will be included in a Conservation Agreement through a Voluntary Planning Agreement between Council and the landholder to ensure the area is protected in perpetuity. The Planning Proposal will not impact the conservation values that apply to the land.

Vegetation Mapping, Native Vegetation and Threatened Species Habitat and Ecological Communities mapping is shown on the following pages 48 to 50.





Capital Ecology Ecological Assessment – Figure 2 Vegetation Mapping





Figure 3. Native Vegetation

Capital Ecology Project No: 2889  
 Drawn by: A. Vincent  
 Date: 9 August 2019

Legend

- Study Area
- Native Vegetation



Capital Ecology Ecological Assessment – Figure 3 Native Vegetation



**Capital Ecology Ecological Assessment – Figure 4 Threatened Species Habitat and Ecological Communities**

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The study area is located within the flat and gently undulating and open slopes of an area immediately north of Laggan. The area is approx. 750m long and 450m wide with topography ranging from flat land to sloping landform with grades up to approx. 10%. The NSW Environment and Heritage Land and Soil Capability Mapping defines the study area as generally Class 4 incorporating *“Moderate to severe limitations. Land generally not capable of sustaining high impact land uses unless using specialised management practices with high level of knowledge, expertise, inputs, investment and technology. Limitations are more easily managed for lower impact land uses (e.g. grazing).”*

The land is not capable of sustaining high impact land uses and soil types include sand, sandy loam, clay and gravel of varying depth and moderate fertility. There are also a few outcrops of silty sandstone and quartz.

A Flood Impact and Risk Assessment dated December 2023 has been undertaken by Catchment Simulation Solutions (CSS) (see Annexure I) and the summary includes the following statement:

*“A flood impact assessment was completed and shows that although the proposed works are predicted to produce localised changes in flood behaviour within the site, no changes are predicted outside of the site in all flood events.”*

There is no indication of any site contamination that would cause environmental or health impacts. Given the proximity to waste disposal facilities at Crookwell would suggest that illegal disposal of waste on the site is highly unlikely. There are no other likely environmental effects as a result of the planning proposal and the proposal is unlikely to have a significant impact on the environment or any adjoining lands.

**9. How has the planning proposal adequately addressed any social and economic effects?**

The area has a long history of agricultural use. The proposal provides an opportunity to achieve the highest and best use of land with suitable environmental protection measures. The subject land is not identified as a heritage item nor is located in a heritage conservation area. An Aboriginal Due Diligence Assessment, Aboriginal Cultural Heritage Assessment Report and an Archaeological Technical Report prepared by Apex Archaeology (copy at Annexure J) concludes:

- No previously recorded Aboriginal sites are located within the study area.
- No archaeological material was identified on the ground surface within the study area.
- The study area is assessed as having no potential for subsurface archaeological deposits and this is confirmed by the site inspection.

The planning proposal will provide a positive economic impact in the Upper Lachlan Council area and particularly in the locality of Laggan and Crookwell.

**Section D - State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the planning proposal?**

The study area is adequately serviced in terms of electricity, telecommunications and associated services (e.g. school bus and postal services). The area permits ready access to all the benefits offered by Goulburn, Crookwell and Canberra (e.g. health, education,



employment, waste management facilities, recreational and social, etc.) via the classified roads and Hume Highway. The subject land is not serviced by a reticulated water supply or mains sewer. These services will be provided as indicated below:

**Drinking Water:**

Rainwater tanks will be required to provide the source for potable water. Within the Upper Lachlan Council area having a population of 8,551 persons (2021 Census) only 3,909 persons (2021 Census) in the villages of Crookwell, Taralga and Gunning have access to reticulated water services. All other persons in the Council area (4,652 persons) rely on rainwater tanks. It is expected that Clause 8.3 of the Upper Lachlan Development Control Plan 2010 (Rural Dwellings) will apply for the provision of drinking water which states that:

*Water supply*

*Every dwelling erected on land to which this Plan applies will be required to have not less than 45,000 litres of roof water storage for domestic purposes if a reticulated, disinfected water supply is not available.*

It is also noted that the Upper Lachlan Council also provides free access to potable water for all residents from reticulated supplies in Gunning, Crookwell and Taralga.

**Wastewater**

Wastewater will be required to be treated on-site with the establishment of effluent management areas. Within the Upper Lachlan Council area having a population of 8,551 persons (2021 Census) only 3,909 persons (2021 Census) in the villages of Crookwell, Taralga and Gunning have access to reticulated sewerage services. All other persons in the Council area (4,652 persons) rely on on-site effluent disposal. It is expected that Clause 8.3 of the Upper Lachlan Development Control Plan 2010 (Rural Dwellings) will apply for the treatment of wastewater which states that:

*Effluent disposal*

*If a reticulated sewerage or effluent disposal scheme is not available to the land, all effluent and wastewater shall be disposed of on-site. Each lot must have adequate area available for an on-site sewage management facility. A wastewater management report will be required, to confirm acceptability of proposed effluent disposal sites.*

A Feasibility Assessment for Wastewater Management has been prepared by Strategic Environmental and Engineering Consulting (SEEC) (see Annexure G) and includes the following statement:

*The purpose of this report is to assess the feasibility to manage wastewater on each of the newly created Lots 1-37, thereby demonstrating for subdivision purposes that an onsite wastewater management system could theoretically be sited on each of those lots. This report does not provide details of a specific system to be used on a lot and must not be used by the purchasers of any of the proposed lots.*

On-site wastewater management is therefore feasible for the development site.

Access to development within the study area will be via the Peelwood Road being under the care and control of the Upper Lachlan Shire Council. The upgrading of road infrastructure and any additional public roads will be at the expense of the developer.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

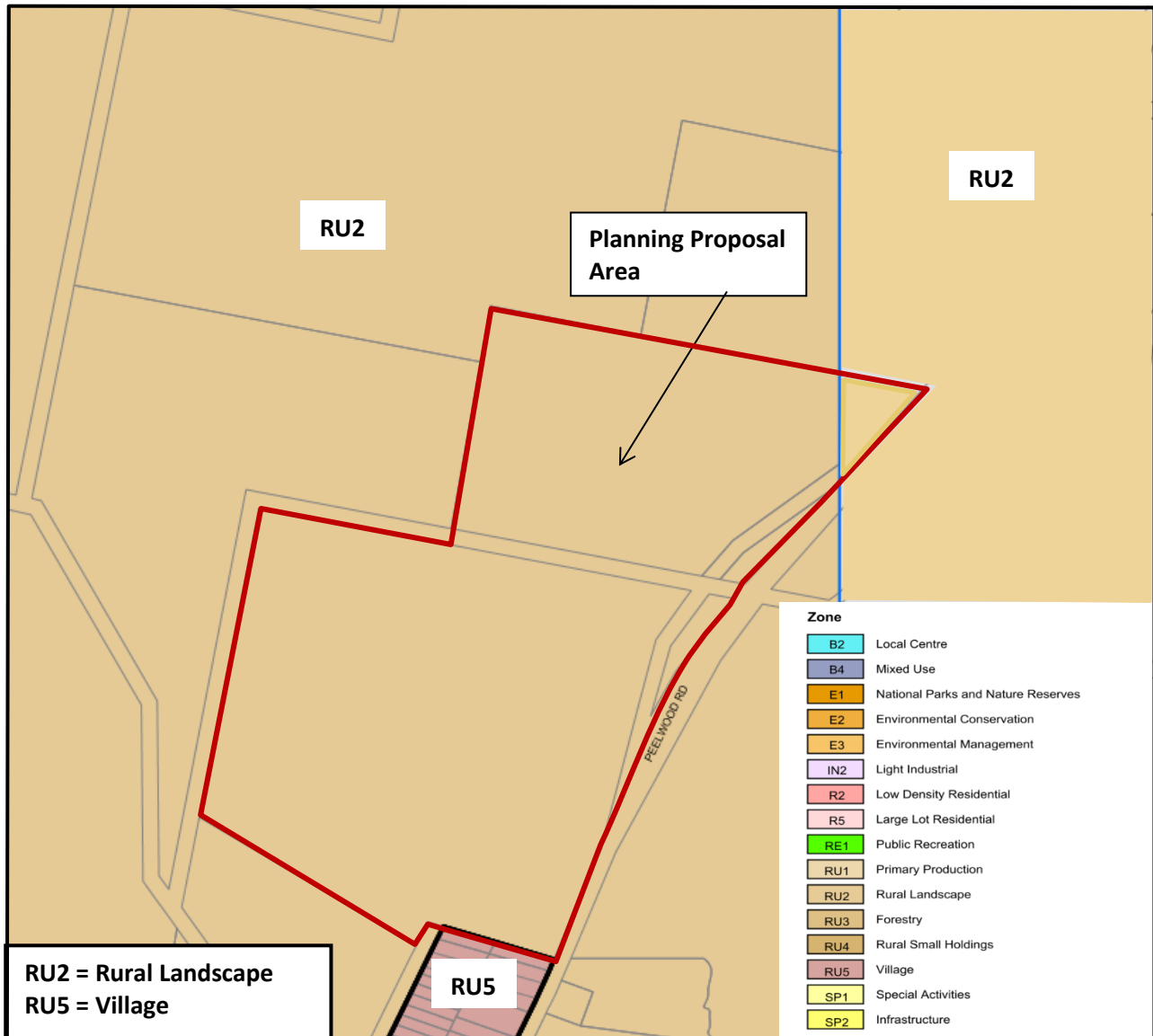
Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

## PART4-MAPPING

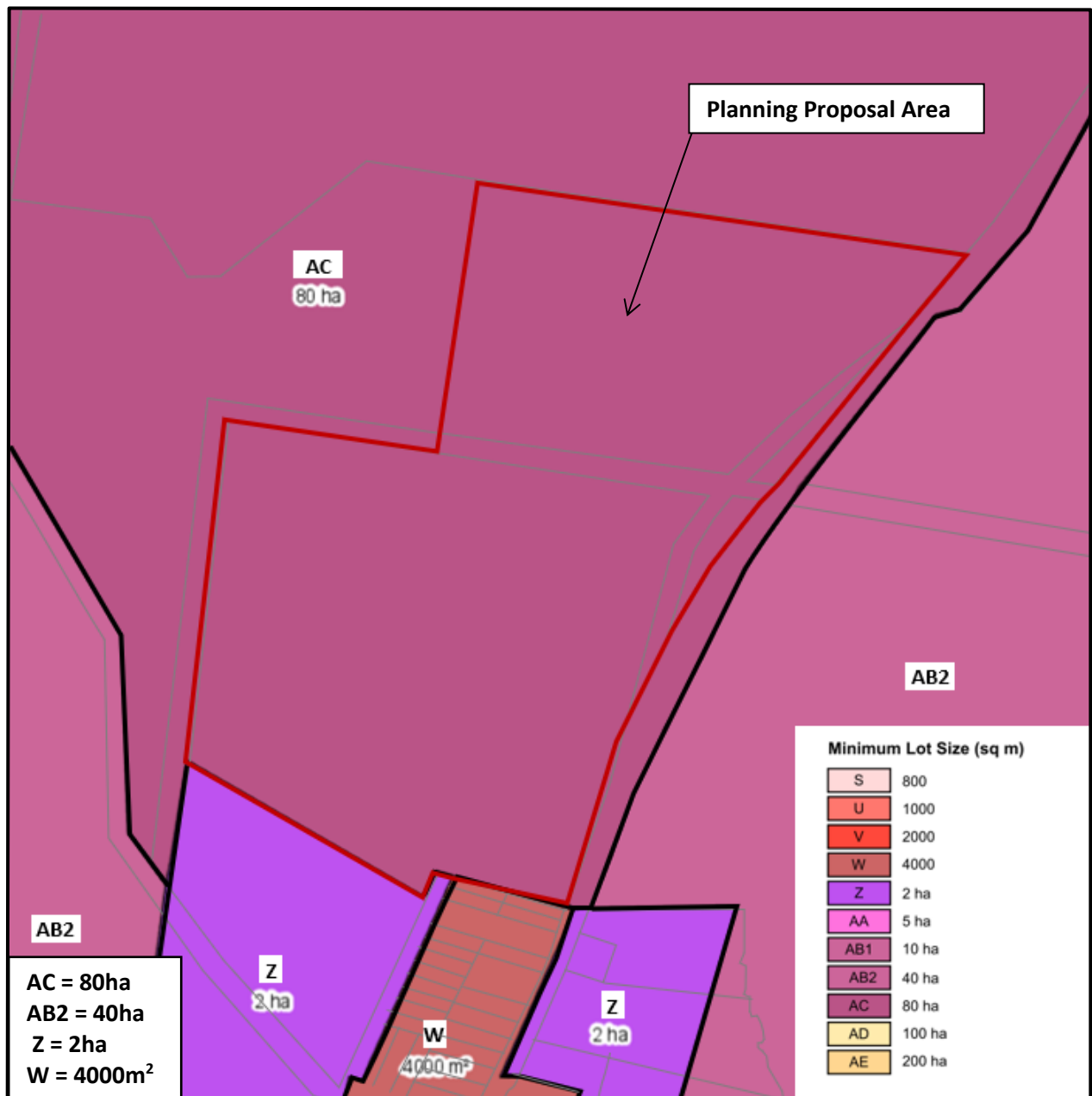
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The following maps are included as part of the Planning Proposal:

- |                 |  |
|-----------------|--|
| <b>Figure 1</b> | The current Land Use Zone applying to the land.          |
| <b>Figure 2</b> | The current Minimum Lot Size applying to the land.       |
| <b>Figure 3</b> | The proposed amendment to Upper Lachlan Land Zoning Map. |
| <b>Figure 4</b> | The proposed Minimum Lot Sizes to apply to the land.     |

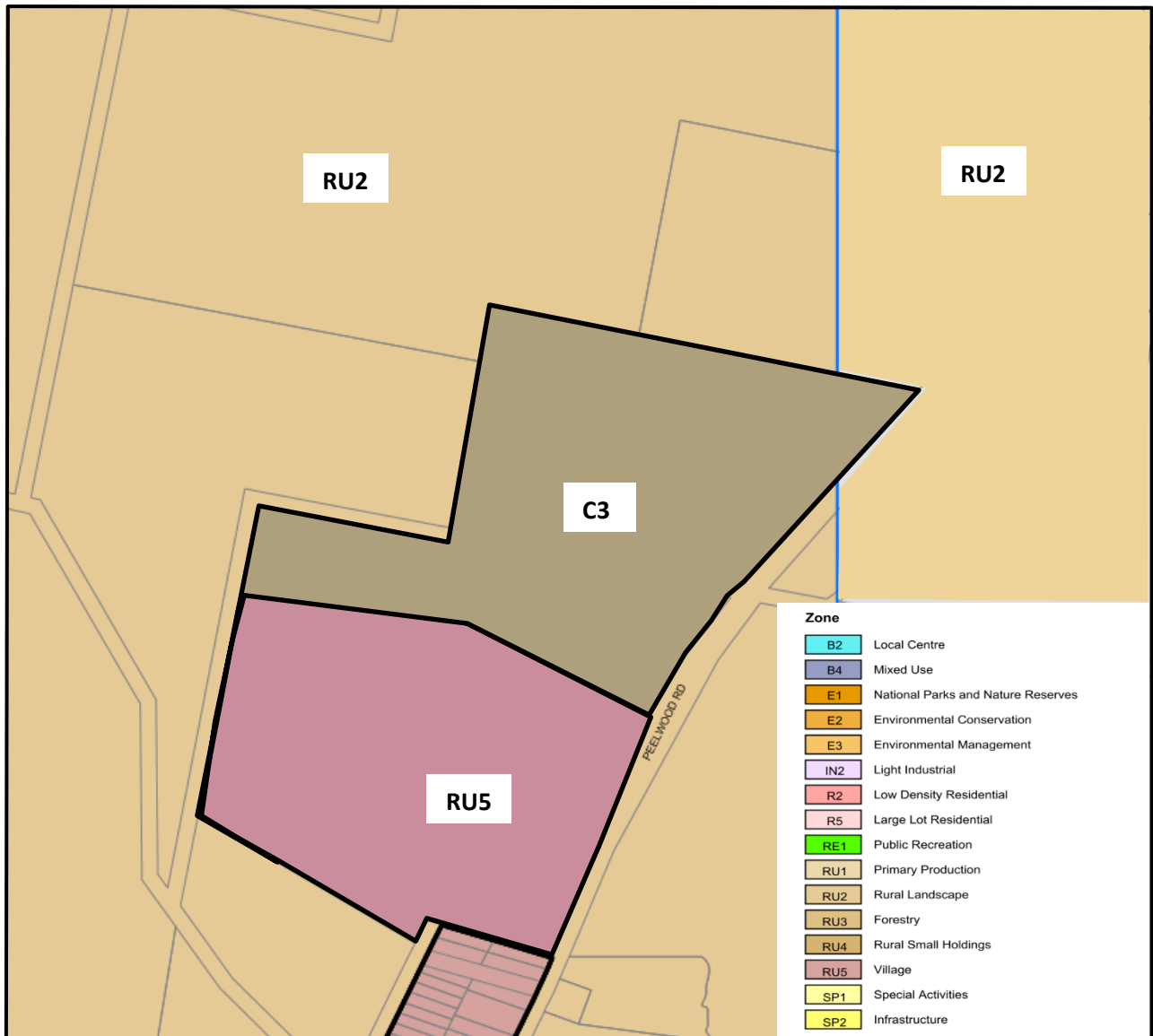


**Figure 1: The current Land Use Zone applying to the land**  
**Zone RU2 Rural Landscape**  
**(Land Zoning Map – Sheet LZN\_005 and LZN\_005E)**  
**Upper Lachlan Local Environmental Plan 2010**  
 (Map Source: NSW Legislation website)

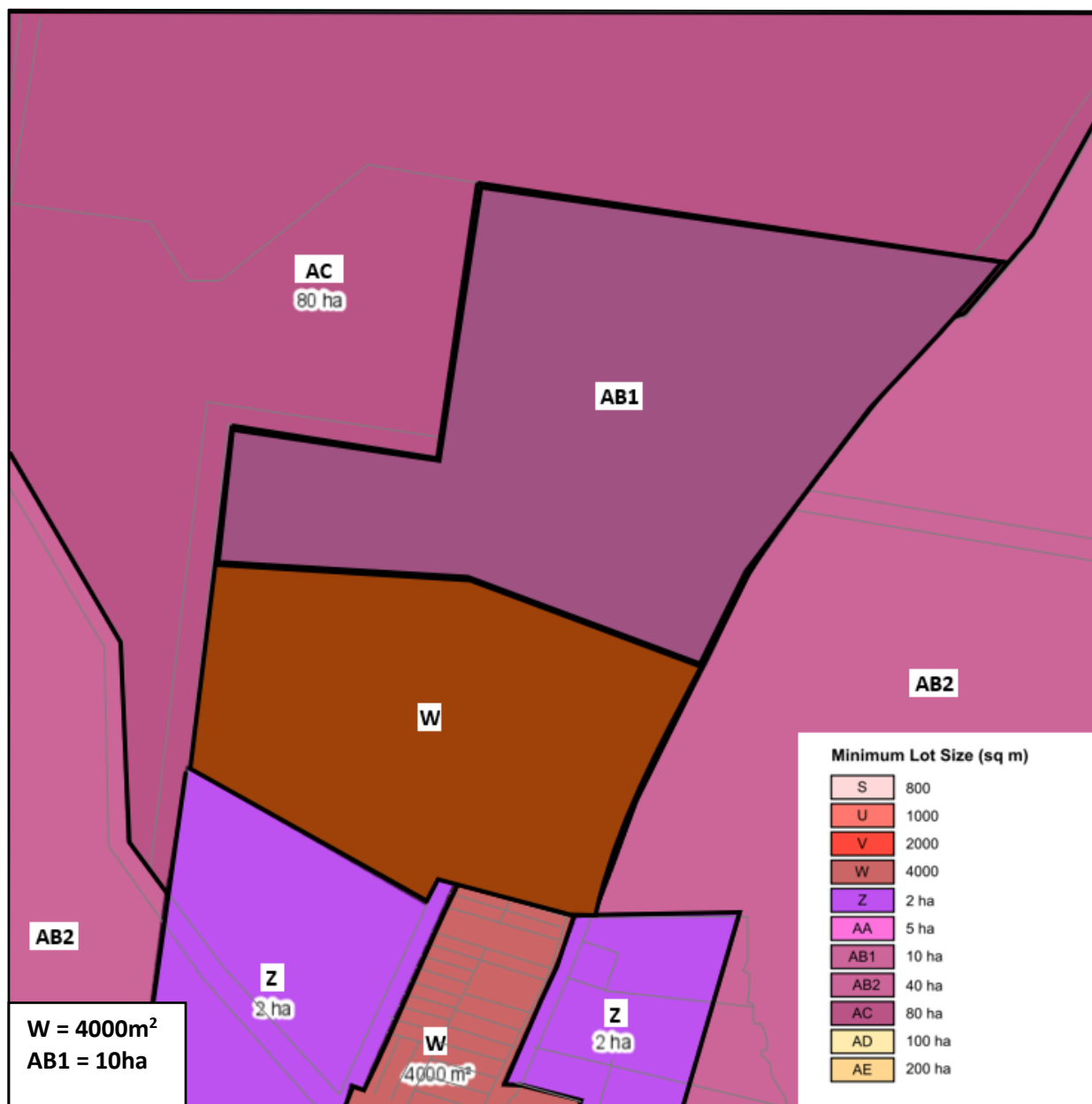


**Figure 2: The current Minimum Lot Sizes relating to the land**  
**(Lot Size Map - Sheets LSZ\_005 and LSZ\_005E)**  
**Upper Lachlan Local Environmental Plan 2010**  
 (Map Source: NSW Legislation website)





**Figure 3: The proposed amendment to Upper Lachlan Land Zoning Map**  
**RU5 Village Zone; C3 Environmental Management**  
**(Land Zoning Map - Sheets LZN\_005 and LZN\_005E)**  
**Upper Lachlan Local Environmental Plan 2010**  
 (Map Source: NSW Legislation website)



**Figure 4: The proposed Minimum Lot Size to apply to the land**  
**Minimum Lot Size 4000m<sup>2</sup> (W); 10ha (AB1)**  
**(Lot Size Map - Sheets LSZ\_005 and LSZ\_005E)**  
**Upper Lachlan Local Environmental Plan 2010**  
 (Map Source: NSW Legislation website)

## PART 5 - COMMUNITY CONSULTATION

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The document “A guide to preparing local environmental plans” outlines the consultation required for different types of planning proposals and the gateway determination will specify the community consultation that must be undertaken on the planning proposal. It is expected that the exhibition period for this low impact proposal will be 28 days. A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP;
- does not reclassify public land.

The Planning Proposal will be notified in local newspapers that circulate the area affected, Council's website, in writing to adjoining landowners and public authorities. Details of the Planning Proposal and how to make a submission will be included in this notification. Laterals Planning will respond to any feedback from the Council, public authorities and the community in relation to the Planning Proposal.

## PART 6 PROJECT TIMELINE

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The following project timeline is provided for the planning proposal:

**Anticipated commencement date (*date of Gateway determination*):**

July 2023

**Anticipated timeframe for the completion of required technical information:**

January 2024

**Timeframe for government agency consultation (*pre and post exhibition as required by Gateway determination*):**

January / February 2024

**Commencement and completion dates for public exhibition period:**

March / April 2024

**Dates for public hearing (if required):**

Not required

**Timeframe for consideration of submissions:**

April 2024

**Timeframe for the consideration of a proposal post exhibition:**

May 2024

**Date of submission to the department to finalise the LEP:**

May 2024

**Anticipated date RPA will make the plan (if delegated):**

June 2024

**Anticipated date RPA will forward to the department for notification:**

June 2024

## CONCLUSION and RECOMMENDATION

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An assessment of the Planning Proposal has been completed in accordance with the guidelines prepared by NSW Department of Planning and is the best means of achieving the intended outcome of the planning proposal to change the zone and change the minimum lot size for certain land being:

- Lot 2 DP 1233492 (part) from RU2 Rural Landscape zone to RU5 Village zone and reduce the minimum lot size from 80ha to 4,000m<sup>2</sup> to enable the development of dwelling houses on the lots under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).
- Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and Roads proposed to be Closed from RU2 Rural Landscape zone to C3 Environmental Management zone and reduce the minimum lot size from 80ha to 10ha to enable permissible uses to be undertaken on the lots under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

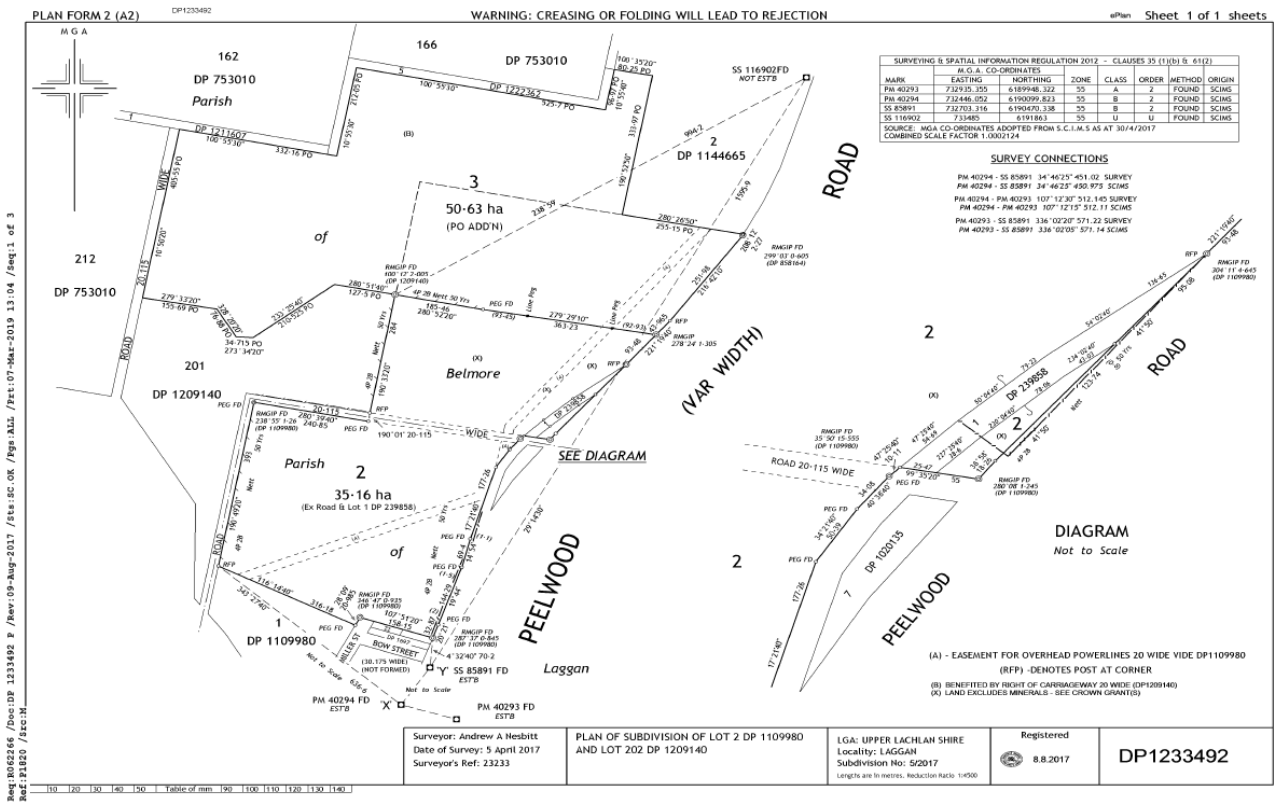
It is recommended that the Planning Proposal be placed on public exhibition in accordance with a Gateway Determination dated July 2023 by the Minister for Planning and Public Spaces and in accordance with the *Environmental Planning and Assessment Act 1979* on the following grounds:

- An increase in the permissible density of land is justified in terms of its consistency with the objectives and actions contained within the *Draft South East and Tablelands Regional Plan 2041* and *The Tablelands Regional Community Strategic Plan 2016-2036*.
- The Planning Proposal is consistent with the Upper Lachlan Shire 2040 Strategic Planning Statement dated June 2020 and draft Housing Strategy dated September 2021 and in particular will provide an opportunity for new settlements close to existing urban service centres and provide value-adding to agriculture by small-scale intensive agriculture opportunities.
- The Planning Proposal complies with this identified growth area for Laggan.
- The Planning Proposal is consistent with the Upper Lachlan Community Strategic Plan Vision 2023 insofar that the development will provide for various lifestyle living opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community as well as providing services and facilities to enhance the quality of life and economic viability within the Council area.
- The proximity of the subject land to Laggan will support economic growth within the Upper Lachlan Council area and particularly in the Laggan / Crookwell environs.
- There is a demand for this type of development in the Upper Lachlan area.
- The Planning Proposal also meets all the relevant State, Regional and Local planning policies.

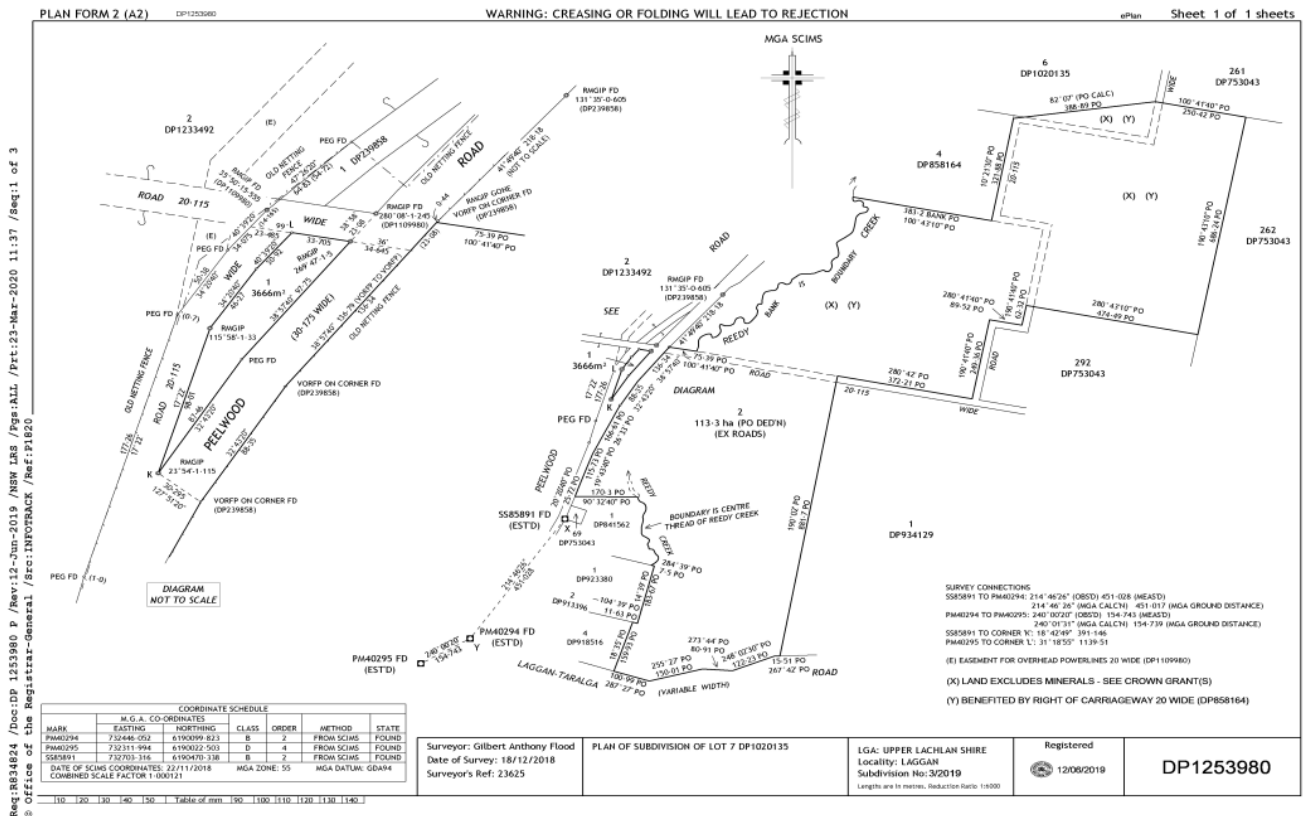
## **ANNEXURES**

# ANNEXURE A

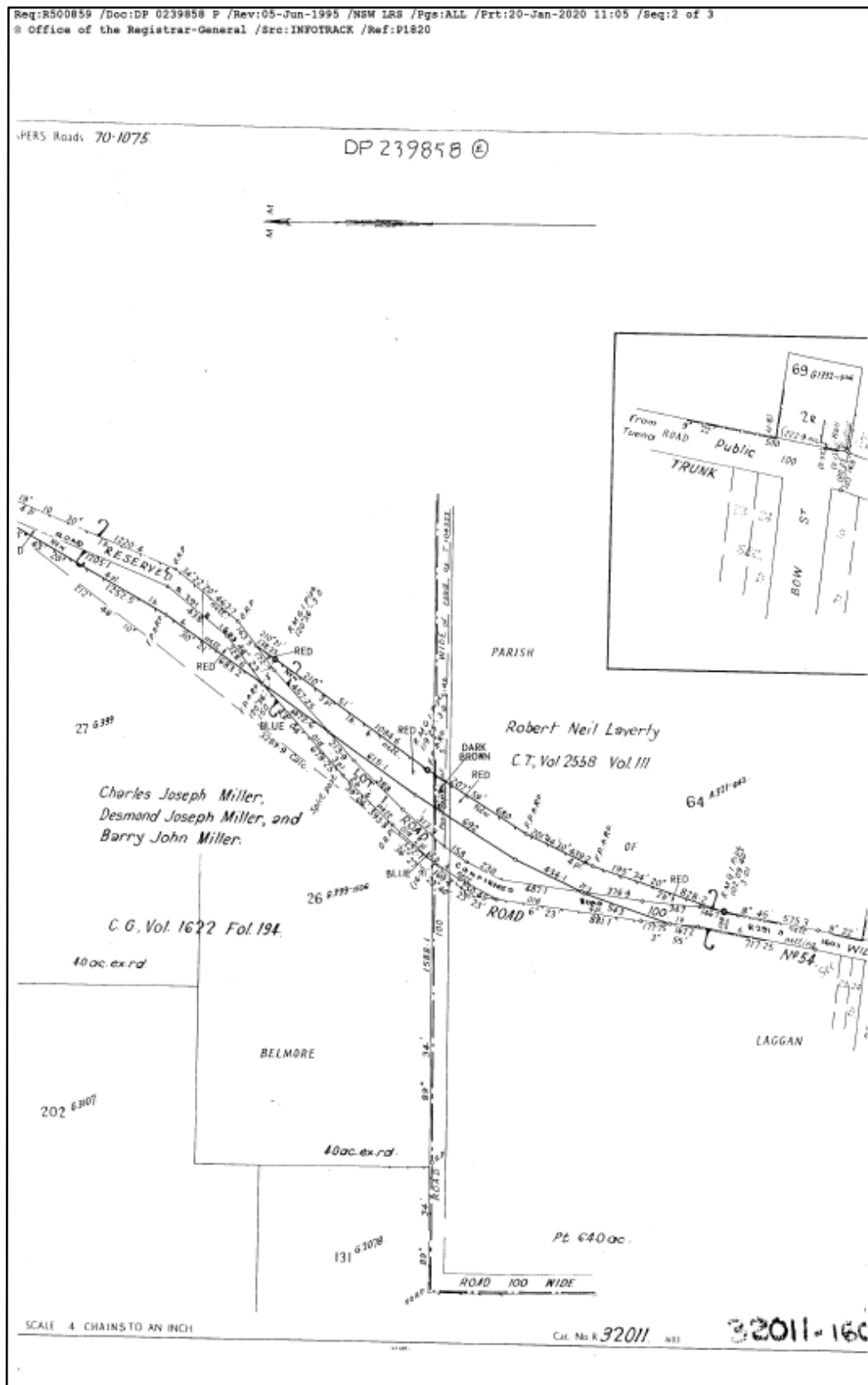
## DEPOSITED PLAN 1233492



# DEPOSITED PLAN 1253980

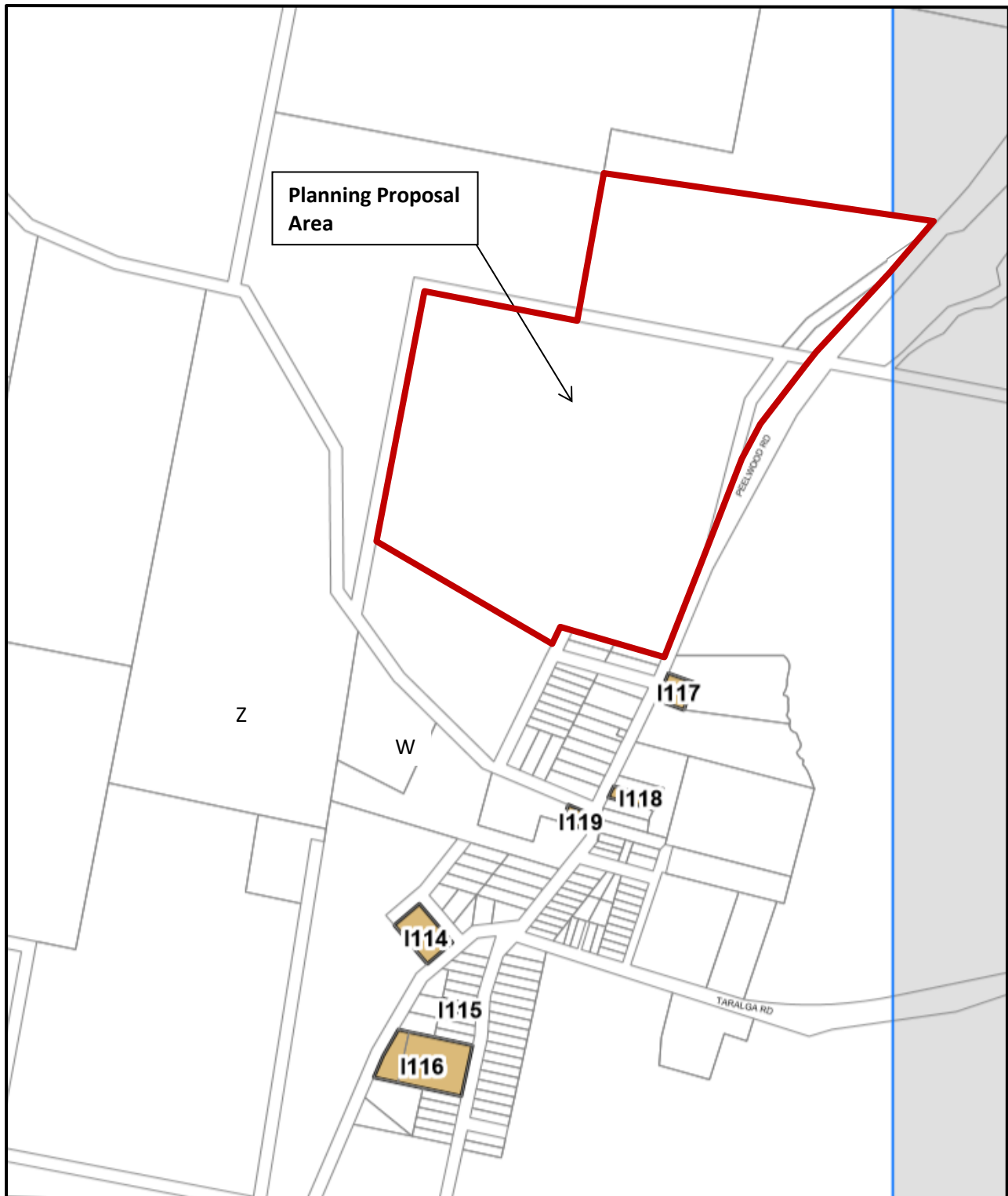


# DEPOSITED PLAN 239858

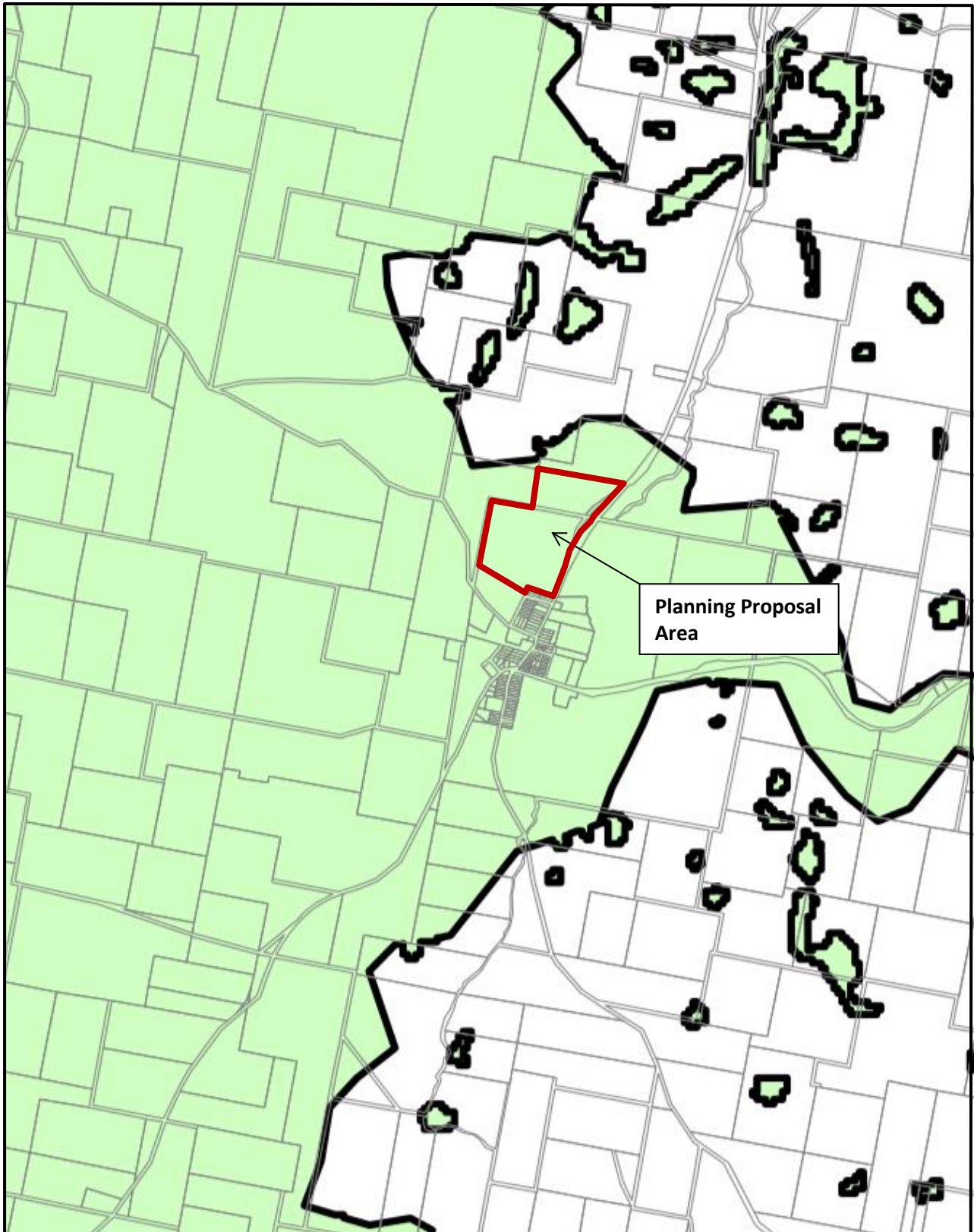




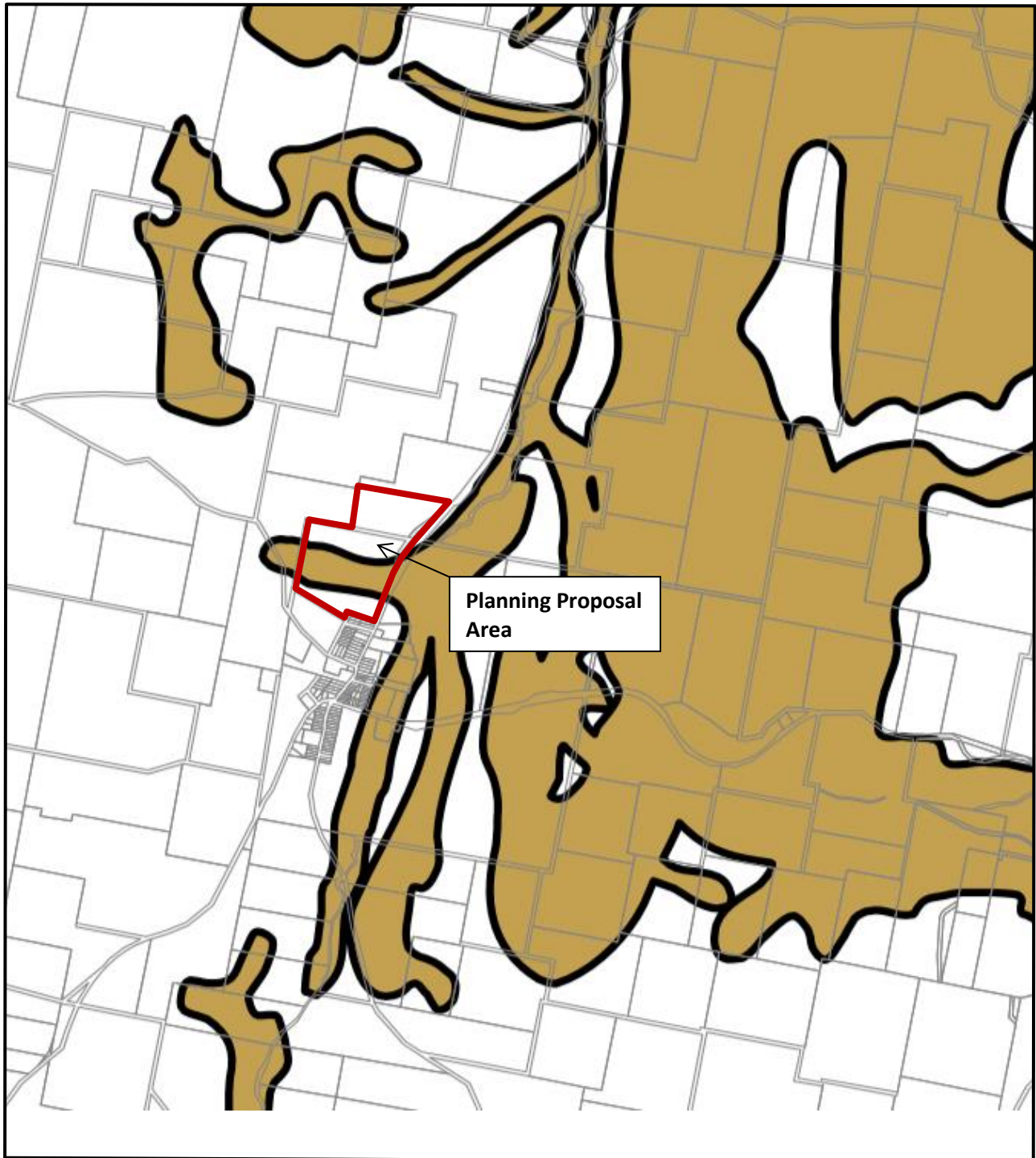
**ANNEXURE B**  
**UPPER LACHLAN LEP 2010 – HERITAGE MAP**  
(Source: NSW Legislation Website – Sheet HER\_005E)



**ANNEXURE C**  
**UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY BIODIVERSITY MAP**  
(Source: NSW Legislation Website – Sheet NRB\_005)

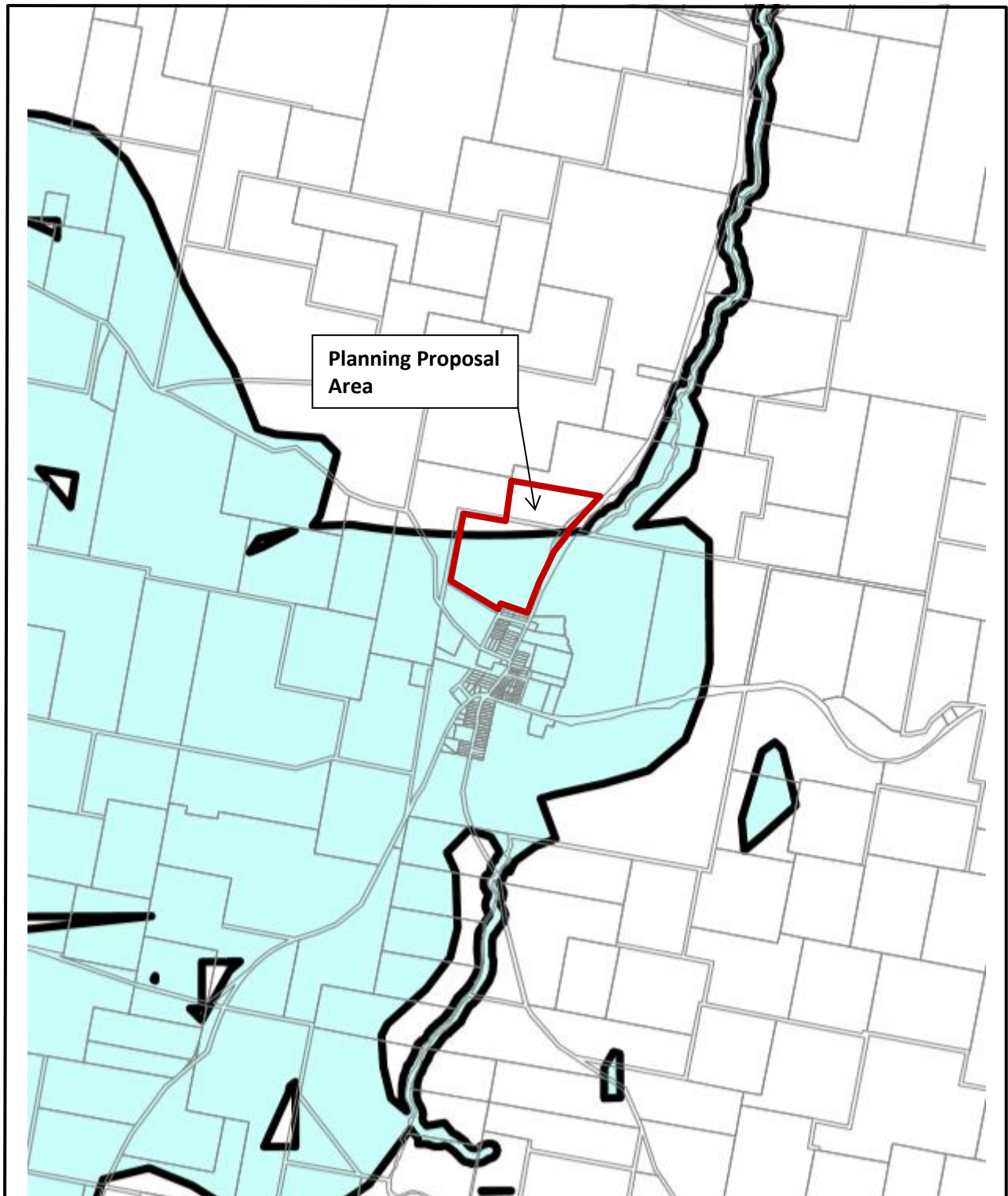


**ANNEXURE D**  
**UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY LAND MAP**  
(Source: NSW Legislation Website – Sheet NRL\_005)





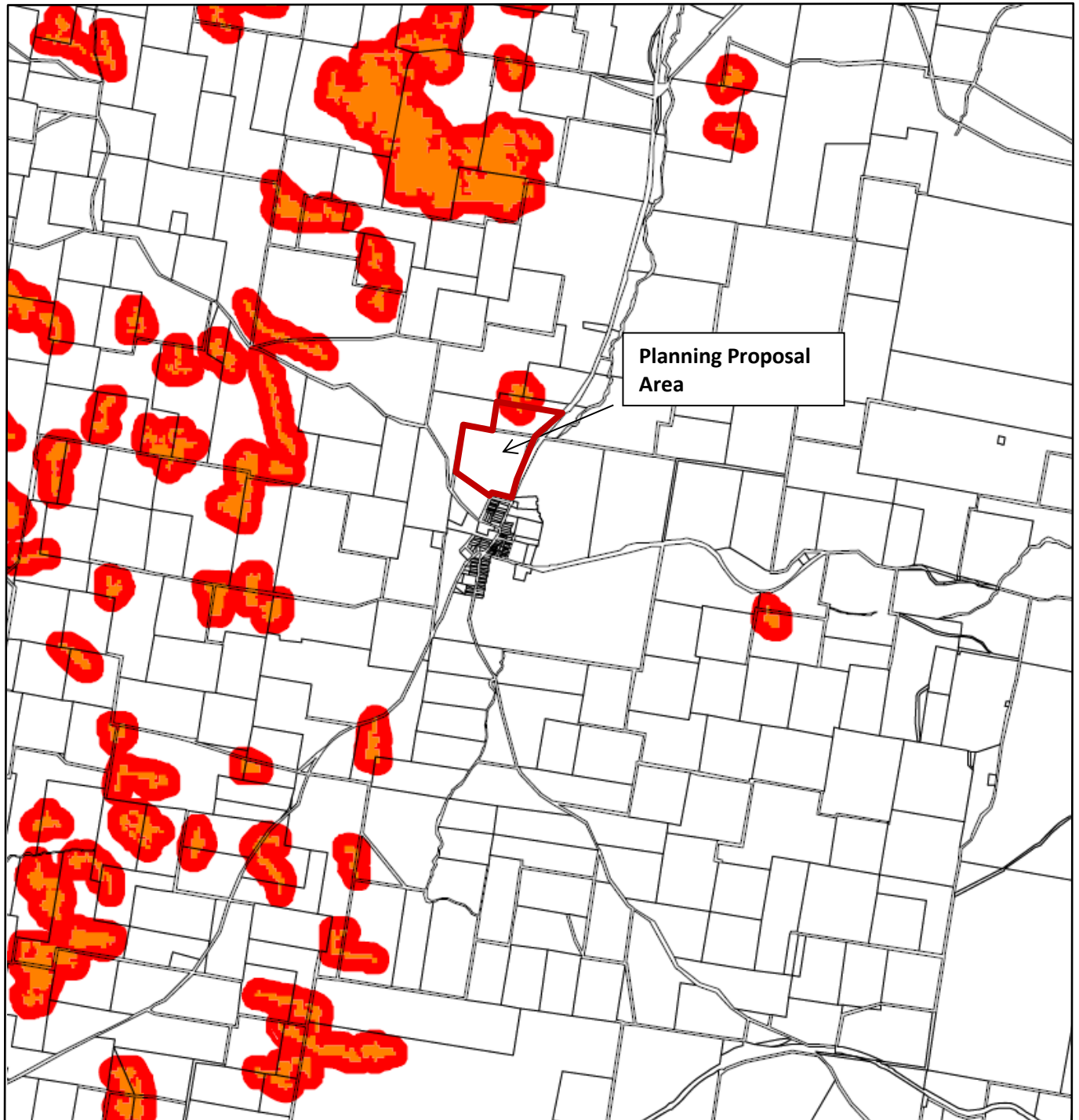
**ANNEXURE E**  
**UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY WATER MAP**  
(Source: NSW Legislation Website – Sheet NRW\_005)



**ANNEXURE F**  
**BUSHFIRE ASSESSMENT REPORT**

See separate attachment

**UPPER LACHLAN BUSHFIRE PRONE LAND MAP**  
(Map Source: Upper Lachlan Council website)



**ANNEXURE G**  
**STRATEGIC ENVIRONMENTAL AND ENGINEERING CONSULTING**  
**FEASIBILITY ASSESSMENT FOR WASTEWATER MANAGEMENT**

See separate attachment.

**ANNEXURE H**  
**CAPITAL ECOLOGY**  
**ECOLOGICAL VALUES AND CONSTRAINTS ASSESSMENT**

See separate attachment



**ANNEXURE I**  
**CATCHMENT SIMULATION SOLUTIONS**  
**FLOOD IMPACT AND RISK ASSESSMENT**

See separate attachment

**ANNEXURE J**  
**APEX ARCHAEOLOGY**  
**ABORIGINAL DUE DILIGENCE ASSESSMENT**  
**ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**  
**ARCHAEOLOGICAL TECHNICAL REPORT**

See separate attachments.

# ANNEXURE K CONCEPTUAL DEVELOPMENT PLAN



**SITE PHOTOGRAPHS**  
(Dated 22 July 2020)



**North View**



**East View**



**South View**